

TURKEY 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Turkey is a constitutional republic with an executive presidential system and a unicameral 600-seat parliament (the Grand National Assembly). In presidential and parliamentary elections in 2018, Organization for Security and Cooperation in Europe observers expressed concern regarding restrictions on media reporting and the campaign environment, including the jailing of a presidential candidate, that restricted the ability of opposition candidates to compete on an equal basis and campaign freely.

The National Police and Jandarma, under the control of the Ministry of Interior, are responsible for security in urban areas and rural and border areas, respectively. The military has overall responsibility for border control. Civilian authorities maintained effective control over law enforcement officials, but mechanisms to investigate and punish abuse and corruption remained inadequate. Members of the security forces committed some abuses.

Under broad antiterror legislation passed in 2018, the government continued to restrict fundamental freedoms and compromised the rule of law. Since the 2016 coup attempt, authorities have dismissed or suspended tens of thousands of civil servants and government workers, including more than 60,000 police and military personnel and more than 4,000 judges and prosecutors, arrested or imprisoned more than 95,000 citizens, and closed more than 1,500 nongovernmental organizations on terrorism-related grounds, primarily for alleged ties to the movement of cleric Fethullah Gulen, whom the government accused of masterminding the coup attempt and designated as the leader of the “Fethullahist Terrorist Organization.”

Significant human rights issues included credible reports of: arbitrary killings; suspicious deaths of persons in custody; forced disappearances; torture; arbitrary arrest and continued detention of tens of thousands of persons, including opposition politicians and former members of parliament, lawyers, journalists, human rights activists, and employees of the U.S. Mission, for purported ties to

“terrorist” groups or peaceful legitimate speech; political prisoners, including elected officials; politically motivated reprisal against individuals located outside the country, including kidnappings and transfers without due process of alleged members of the Gulen movement; significant problems with judicial independence; support for Syrian opposition groups that perpetrated serious abuses in conflict, including the recruitment and use of child soldiers; severe restrictions on freedom of expression, the press, and the internet, including violence and threats of violence against journalists, closure of media outlets, and arrests or criminal prosecution of journalists and others for criticizing government policies or officials, censorship, site blocking, and criminal libel laws; severe restriction of freedoms of assembly, association, and movement, including overly restrictive laws regarding government oversight of nongovernmental organizations and civil society organizations; some cases of refoulement of refugees; serious government harassment of domestic human rights organizations; gender-based violence; crimes involving violence targeting members of national/racial/ethnic minority groups; crimes involving violence against lesbian, gay, bisexual, transgender, queer, and intersex persons.

The government took limited steps to investigate, prosecute, and punish members of the security forces and other officials accused of human rights abuses; impunity remained a problem. The government took limited steps to investigate allegations of high-level corruption.

Clashes between security forces and the Kurdistan Workers’ Party terrorist organization and its affiliates continued and resulted in the injury or death of security forces, terrorists, and civilians. The government did not release information on efforts to investigate or prosecute personnel for wrongful or inadvertent deaths of civilians linked to counterterrorism operations.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were credible allegations that the government contributed to civilian deaths in connection with its fight against the terrorist Kurdistan Workers’ Party (PKK) organization in the southeast although civilian deaths continued to decline in recent

years (see section 1.g.). The PKK continued to target civilians in its attacks; the government continued to work to block such attacks. The law authorizes the Ombudsman Institution, the National Human Rights and Equality Institution, prosecutors' offices, criminal courts, and parliament's Human Rights Commission to investigate reports of security force killings, torture, or mistreatment, excessive use of force, and other abuses. Civil courts, however, remained the main recourse to prevent impunity.

According to the International Crisis Group, from January 1 to November 15, a total of 25 civilians, 51 security force members, and 268 PKK militants were killed in the country and surrounding region in PKK-related clashes. Human rights groups stated the government took insufficient measures to protect civilian lives in its fight with the PKK.

The PKK continued its campaign of attacks on government security forces, resulting in civilian deaths. PKK attacks focused particularly on southeastern provinces. In October the Ministry of Energy and Natural Resources reported that a PKK attack killed two electricity workers in Bingol Province after the group detonated a remote-controlled explosive while a vehicle carrying the workers passed.

There were credible reports that the country's military operations outside its borders led to the deaths of civilians (see section 1.g.). In August press outlets reported that Turkish airstrikes on what may have been a makeshift medical facility in the Sinjar District of Iraq killed four medical staff in addition to members of a militia affiliated with both the PKK and elements of the Iraqi Popular Mobilization Forces.

According to the Baran Tursun Foundation, an organization that monitors police brutality, police killed 404 individuals for disobeying stop warnings between 2007 and 2020. According to the report, 92 were children. Police killed six individuals in 2020 according to the report. In June suspect Birol Yildirim died under suspicious circumstances while in police custody in the Esenyurt district in Istanbul. Authorities subsequently arrested 12 police officers on charges of beating Yildirim to death. The case against the officers continued at year's end.

By law National Intelligence Organization (MIT) members are immune from prosecution as are security officials involved in fighting terror, making it harder for prosecutors to investigate extrajudicial killings and other human rights abuses by requiring that they obtain permission from both military and civilian leadership prior to pursuing prosecution.

b. Disappearance

Domestic and international human rights groups reported instances of disappearances that they alleged were politically motivated.

In February human rights groups reported that Huseyin Galip Kucukozyigit, a former legal advisor to the Prime Minister's Office who was dismissed after the 2016 coup attempt, may have been subjected to enforced disappearance.

Kucukozyigit last contacted his family in December 2020; his relatives believed he was abducted. Authorities initially denied Kucukozyigit was in official custody.

In September, Kucukozyigit's daughter announced on social media that she received a telephone call from him and that he was in Sincan Prison in Ankara.

Human rights organizations appealed for authorities to investigate the disappearance of Yusuf Bilge Tunc, one of seven men reportedly "disappeared" by the government in 2019. Six of the seven surfaced in 2019 in police custody on terrorism charges, but Tunc's whereabouts remained unknown.

The government declined to provide information on efforts to prevent, investigate, and punish such acts.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but domestic and international rights groups reported that some police officers, prison authorities, and military and intelligence units employed these practices. Domestic human rights organizations, bar associations, political opposition figures, international human rights groups, and others reported that government agents engaged in threats, mistreatment, and possible torture of some persons while in custody. Human rights groups asserted that individuals with

alleged affiliation with the PKK or the Gulen movement were more likely to be subjected to mistreatment, abuse, or possible torture.

Reports from human rights groups indicated that police abused detainees outside police station premises and that mistreatment and alleged torture was more prevalent in some police facilities in parts of the southeast. A consortium of nongovernmental organizations (NGOs), including the Human Rights Foundation of Turkey (HRFT), told the press in July “police violence has become a part of daily life” and observed that authorities increasingly intervened in peaceful protests and demonstrations. In the first 11 months of the year, the HRFT reported receiving complaints from 531 individuals alleging they were subjected to torture and other forms of mistreatment while in custody or at extracustodial locations. In the same period, the Human Rights Association of Turkey (HRA) reported, at least 415 individuals applied to the NGO alleging torture or other forms of mistreatment. The HRA reported that intimidation and shaming of detainees by police were common and that victims hesitated to report police abuse due to fear of reprisal.

In early January police violently dispersed protests over President Erdogan’s January 1 appointment of rector Melih Bulu at Bogazici University in Istanbul, using water cannons and tear gas. Police subsequently raided houses and detained 45 students in the protests. Amnesty International reported that the students alleged torture and mistreatment at the time of detention and while in custody. According to student reports, police pushed and hit them during detention. At least eight students reported forced strip searches, and two students from the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community reported that police threatened them with rape with a truncheon and verbally abused them regarding their sexual orientation or gender identity. Amnesty stated that at least 15 students reported mistreatment during medical examinations at a hospital following detention.

Protests continued throughout the year, mainly in Istanbul. Human Rights Watch estimated that police detained more than 700 protesters since January in at least 38 cities. Human rights groups reported police frequently used excessive force during detentions, injuring protesters. For example, in February, Human Rights Watch reported police kicking protesters who were not resisting arrest. Videos showed

protesters' significant injuries, such as broken teeth and lacerations. In April human rights groups reported that police grabbed some students by the throat and threw them to the ground (see additional information in section 2.a., Academic Freedom and Cultural Events).

The government asserted it followed a “zero tolerance” policy for torture and has abolished statute of limitations for cases of torture. In its *World Report 2021*, Human Rights Watch stated, “A rise in allegations of torture, mistreatment and cruel and inhuman or degrading treatment in police custody and prison over the past four years has set back Turkey’s earlier progress in this area. Those targeted included persons accused of political and common crimes. Prosecutors did not conduct meaningful investigations into such allegations and there is a pervasive culture of impunity for members of the security forces and public officials implicated.” According to Ministry of Justice statistics from 2020, the government opened 2,199 investigations into allegations of torture and mistreatment. Of those, 917 resulted in no action being taken by prosecutors, 816 resulted in criminal cases, and 466 in other decisions. The government did not release data on its investigations into alleged torture.

NGOs and opposition politicians reported that prison administrators used strip searches punitively both against prisoners and visitors, particularly in cases where the prisoner was convicted on terrorism charges. The HRA documented 174 allegations of enforced strip searches in 2020. In a June report, the HRA’s Batman branch in the southeastern part of the country noted that prisoners reported strip searches during prison transfers, often executed with force that HRA alleged amounted to battery.

In February the family of the jailed former Peoples’ Democratic Party (HDP) mayor of Hakkari, Dilek Hatipoglu, alleged that security guards beat her after she refused to undress for a strip search. Press outlets reported that Hatipoglu had a black eye at a court hearing that she attended that month. In 2016 a court sentenced Hatipoglu to 16 years and three months in prison on terrorism charges.

Some military conscripts reportedly endured severe hazing, physical abuse, and torture that sometimes resulted in death or suicide. Human rights groups reported suspicious deaths in the military, particularly among conscripts of minority Alevi

and Kurdish backgrounds. The government did not systematically investigate such incidents or release data on them. The HRA and HRFT reported at least 13 deaths of soldiers performing compulsory military service were the result of accidents or occurred under suspicious circumstances during the first 11 months of the year. In April an ethnically Romani soldier, Caner Sarmasik, committed suicide while on duty. A Romani NGO alleged Sarmasik's commanders severely hazed him due to his Romani identity. Several opposition parliamentarians requested that the Ministry of Defense investigate the death. The government did not release information on its efforts to address abuse through disciplinary action and training.

Prison and Detention Center Conditions

Prisons generally met standards for physical conditions (i.e., infrastructure and basic equipment), but significant problems with overcrowding resulted in conditions in many prisons that the Council of Europe's Committee for the Prevention of Torture (CPT) found could be considered inhuman and degrading in its 2017 and 2019 visits. While detention facilities were generally in a good state of repair and well ventilated, many facilities had structural deficiencies that made them unsuitable for detention lasting more than a few days.

Physical Conditions: Prison overcrowding remained a significant problem. According to the Ministry of Justice, as of March the country had 374 prisons with a capacity for 250,756 inmates and an estimated total inmate population of 283,481.

If separate prison facilities for minors were not available, minors were held in separate sections within separate male and female adult prisons. Children younger than six were allowed to stay with their incarcerated mothers. The NGO Civil Society in the Penal System estimated that as of August, 345 children were being held with their mothers. Pretrial detainees were held in the same facilities as convicted prisoners.

The government did not regularly release data on inmate deaths due to physical conditions or actions of staff members. In February the Ministry of Justice announced 50 prisoners had died of COVID-19 since the start of the pandemic. The Ministry of Justice has not released updated figures on prisoner deaths due to

COVID-19.

In December the HRA reported 28 deaths in prison related to illness, violence, or other causes.

Human rights organizations and CPT reports asserted that prisoners frequently lacked adequate access to potable water, proper heating, ventilation, lighting, food, and health services. Human rights organizations also noted that prison overcrowding and poor sanitary conditions exacerbated health risks from the COVID-19 pandemic. NGOs reported that prisoners feared reporting health problems or seeking medical care, since a positive COVID-19 result would lead to a two-week quarantine in solitary confinement. The NGO Civil Society in the Penal System reported prison facilities did not allow for sufficient social distancing due to overcrowding and that prison administrators did not provide regular cleaning and disinfection services. Prisons also did not provide disinfectant, gloves, or masks to prisoners, but instead sold them at commissaries. According to a March survey of prisoners by the NGO Media and Law Studies Association conducted in five facilities, 56 percent of respondents reported not having sufficient hygienic supplies during the pandemic.

According to Ministry of Justice prison and correctional facilities statistics, as of September there were seven medical doctors, 154 dentists, 81 nurses, 839 psychologists, and 444 other health workers serving the prison population. Human rights associations expressed serious concern regarding the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. NGOs reported that prison wardens rather than health-care officials often decided whether to allow a prisoner's transfer to a hospital.

Reports by human rights organizations suggested that some doctors refused to issue medical reports alleging torture due to fear of reprisal. As a result, victims were often unable to get medical documentation of their abuse.

Chief prosecutors have discretion, particularly under the wide-ranging counterterrorism law, to keep prisoners they deem dangerous to public security in pretrial detention, regardless of medical reports documenting serious illness.

Administration: Authorities at times investigated credible allegations of abuse

and inhuman or degrading conditions but generally did not document the results of such investigations in a publicly accessible manner or disclose publicly whether actions were taken to hold perpetrators accountable. Some human rights activists and lawyers reported that prisoners and detainees were sometimes arbitrarily denied access to family members and lawyers.

Independent Monitoring: The government allowed prison visits by some observers, including parliamentarians. The Ministry of Interior reported that under the law, prisons were to be monitored by domestic government entities including the Human Rights and Equality Institution of Turkey and the Parliamentary Commission for Investigating Human Rights. International monitors included the CPT, the Council of Europe's Commissioner for Human Rights, and the UN Working Group on Arbitrary Detention.

The government did not allow NGOs to monitor prisons. NGOs such as the HRA and Civil Society in the Penal System published periodic reports on prison conditions based on information provided by parliamentarians, correspondence with inmates, lawyers, inmates' family members, and press reports.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government did not always observe these requirements.

Human rights groups noted that following the 2016 coup attempt, authorities continued to detain, arrest, and try hundreds of thousands of individuals with alleged ties to the Gulen movement or the PKK under terrorism-related charges, often with questionable evidentiary standards and without the full due process provided for under law (see sections 1.e. and 2.a.). Domestic and international legal and human rights groups criticized the judicial process in these cases, asserting that the judiciary lacked impartiality and that defendants were sometimes denied access to the evidence underlying the accusations against them.

On the fifth anniversary of the 2016 coup attempt in July, the Ministry of Interior announced that authorities had detained 312,121 and arrested 99,123 individuals

since the coup attempt on grounds of alleged affiliation with the Gulen movement, which the government designated as a terrorist organization. Between July 2020 and July 2021, the government detained 29,331 and arrested 4,148 individuals for connections with the Gulen movement.

The courts in some cases applied the law unevenly, with legal critics and rights activists asserting court and prosecutor decisions were sometimes subject to executive interference.

Arrest Procedures and Treatment of Detainees

The law requires that prosecutors issue warrants for arrests unless the suspect is detained while committing a crime. The period for arraignment may be extended for up to four days. Formal arrest is a measure, separate from detention, which means a suspect is to be held in jail until and unless released by a subsequent court order. For crimes that carry potential prison sentences of fewer than three years' imprisonment, a judge may release the accused after arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge may either release the defendant on his or her own recognizance or hold the defendant in custody (arrest) prior to trial if there are specific facts indicating the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. Judges often kept suspects in pretrial detention without articulating a clear justification for doing so.

While the law generally provides detainees the right to immediate access to an attorney, it allows prosecutors to deny such access for up to 24 hours. In criminal cases the law also requires that the government provide indigent detainees with a public attorney if they request one. In cases where the potential prison sentence for conviction is more than five years' imprisonment or where the defendant is a child or a person with disabilities, a defense attorney is appointed, even absent a request from the defendant. Human rights observers noted that in most cases authorities provided an attorney if a defendant could not afford one.

Under antiterror legislation adopted in 2018, the government may detain without charge (or appearance before a judge) a suspect for 48 hours for "individual" offenses and 96 hours for "collective" offenses. These periods may be extended

twice with the approval of a judge, amounting to six days for “individual” and 12 days for “collective” offenses. Human rights organizations raised concerns that police authority to hold individuals for up to 12 days without charge increased the risk of mistreatment and torture.

The law gives prosecutors the right to suspend lawyer-client privilege and to observe and record conversations between accused persons and their legal counsel. Bar associations reported that detainees occasionally had difficulty gaining immediate access to lawyers, both because government decrees restricted lawyers’ access to detainees and prisons – especially for those attorneys not appointed by the state – and because many lawyers were reluctant to defend individuals the government accused of ties to the 2016 coup attempt. Human rights organizations reported the 24-hour attorney access restriction was arbitrarily applied and that in terrorism-related cases, authorities often did not inform defense attorneys of the details of detentions within the first 24 hours, as stipulated by law. In such cases rights organizations and lawyers’ groups reported attorneys’ access to the case files for their clients was limited for weeks or months pending preparations of indictments, hampering their ability to defend their clients.

Some lawyers stated they were hesitant to take cases, particularly those of suspects accused of PKK or Gulen movement ties, for fear of government reprisal, including prosecution. Many lawyers defending persons accused of terrorism have faced criminal charges themselves. This practice disproportionately affected access to legal representation in the southeast, where accusations of affiliation with the PKK were frequent and the ratio of lawyers to citizens was low. Government intimidation of defense lawyers also at times involved nonterror cases.

According to human rights organizations, as of January authorities had prosecuted more than 1,600 lawyers, arrested 615, and sentenced 450 to lengthy prison terms on terrorism-related charges since the 2016 coup attempt. Of the arrested lawyers, 15 were active or former presidents of provincial bar associations. In May prosecutors opened a terrorism investigation into lawyer and former president of the Diyarbakir Bar Association, Cihan Aydin, based on a 2019 statement of the bar association’s Women’s Rights Center calling for an end to the country’s military action in Syria and for diplomatic resolution of the conflict. The International Committee of Jurists and other human rights groups called for authorities to stop

prosecution of Aydin.

Arbitrary Arrest: Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. Human rights groups alleged that in areas under curfew or in “special security zones,” security forces detained citizens without official record, leaving detainees at greater risk of arbitrary abuse.

The deputy chair of the Parliamentary Commission on Human Rights, Sezgin Tanrikulu, a member of the Republican People’s Party (CHP), reported that in February individuals identifying themselves as police detained one member of the Workers’ Party of Turkey and two members of a student organization, forced them into a car, and interrogated them for hours.

In April a doctor at a state hospital in Osmaniye Province reported that he was arrested after refusing to treat a public prosecutor who did not have an appointment. The public prosecutor threatened the doctor, who later received a summons to the courthouse where he was detained and released on the same day. The doctor filed a complaint against the prosecutor. The Adana Chief Public Prosecutor’s Office, responsible for the district, decided not to pursue the complaint after reviewing the file.

Pretrial Detention: The maximum time an arrestee can be held pending trial with an indictment is seven years, including for crimes against the security of the state, national defense, constitutional order, state secrets and espionage, organized crime, and terrorism-related offenses. Pretrial detention during the investigation phase of a case (before an indictment) is limited to six months for cases that do not fall under the purview of the heavy criminal court, referred to by the International Criminal Police Organization (INTERPOL) as the central criminal court, and one year for cases that fall under the heavy criminal court. The length of pretrial detention generally did not exceed the maximum sentence for the alleged crimes. For other major criminal offenses tried by high criminal courts, the maximum detention period remained two years with the possibility of three one-year extensions, for a total of five years. For terrorism-related cases, the maximum period of pretrial detention during the investigation phase is 18 months, with the possibility of a six-month extension.

Rule of law advocates noted that broad use of pretrial detention had become a form of summary punishment, particularly in cases that involved politically motivated terrorism charges.

The trial system does not provide for a speedy trial, and trial hearings were often months apart, despite provisions in the code of criminal procedure for continuous trial. Trials sometimes began years after indictment, and appeals could take years more to reach conclusion.

According to May statistics of the Ministry of Justice, 38,034 persons were held in pretrial detention, accounting for approximately 13 percent of the overall prison population.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees' lawyers may appeal pretrial detention, although antiterror laws limited their ability to do so. The country's judicial process allows a system of lateral appeals to criminal courts of peace for arrest, release, judicial control, and travel ban decisions that substitutes appeal to a higher court with appeal to a lateral court. Lawyers criticized the approach, which rendered ambiguous the authority of conflicting rulings by horizontally equal courts. In addition, since 2016 sentences of less than five years' imprisonment issued by regional appellate courts were final and could not be appealed. Since 2019 the law provides for defendants in certain types of insult cases or speech-related cases to appeal to a higher court.

Detainees awaiting or undergoing trial have the right to a review in person with a lawyer before a judge every 90 days to determine if they should be released pending trial.

In cases of alleged human rights violations, detainees have the right to apply directly to the Constitutional Court for redress while their criminal cases are proceeding. Nevertheless, a backlog of cases at the Constitutional Court slowed proceedings, preventing expeditious redress.

Refugee-focused human rights groups alleged authorities prevented migrants placed in detention and return centers from communicating with the outside world, including their family members and lawyers, creating the potential for refoulement as migrants accept repatriation to avoid indefinite detention. COVID-19

preventative measures exacerbated these issues.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary remained subject to influence, particularly from the executive branch.

The executive branch exerts strong influence over the Board of Judges and Prosecutors (HSK), the judicial body that assigns and reassigns judges and prosecutors to the country's courts nationwide and is responsible for their discipline. Out of 13 total judges on the board, the president directly appoints six: the executive branch and parliament appoint 11 members (seven by parliament and four by the president) every four years; the other two members are the presidentially appointed justice minister and deputy justice minister. The ruling party controlled both the executive and the parliament when the existing members were appointed in 2017. Although the constitution provides tenure for judges, the HSK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges challenges the requirement to remain impartial, and judges' inclination to give precedence to the state's interests contributed to inconsistent application of laws. Bar associations, lawyers, and scholars expressed concern regarding application procedures for prosecutors and judges described as highly subjective, which they warned opened the door to political litmus tests in the hiring process.

The judiciary faced several problems that limited judicial independence, including intimidation and reassignment of judges and allegations of interference by the executive branch. Directly following the 2016 coup attempt, the government suspended, detained, or fired nearly one-third of the judiciary, who were accused of affiliation with the Gulen movement. The government in the intervening years filled the vacancies and expanded hiring of new personnel, increasing the overall number of judges and prosecutors to above precoup levels, but the judiciary continued to experience the effects of the purges. A 2020 Reuters international news organization analysis of Ministry of Justice data showed that at least 45 percent of the country's prosecutors and judges had three years or less of legal professional experience.

A June survey by the research company KONDA found that 64 percent of respondents did not trust the justice system. Among those of Kurdish background, 85 percent responded they did not trust the justice system.

Observers raised concerns that the outcome of some trials appeared predetermined or pointed to judicial interference. Human rights groups reported that in politically sensitive cases, judges frequently barred journalists and observers from the courtroom, interrupted defendants' statements, did not allow them to speak, or handed down a decision without listening to the defendant's statement.

Prominent philanthropist and businessman Osman Kavala remained in prison at year's end despite European Court of Human Rights (ECHR) rulings for his release and a 2020 acquittal decision. In December the Council of Europe Committee of Ministers voted to launch infringement proceedings in Turkey over the nonimplementation of the ECHR ruling in Kavala's case. In August a court merged a case against him and eight others in connection with the 2013 Gezi Park protests with a case against the football fan club Besiktas Carsi. The Besiktas Carsi case involved 35 members of the club accused of various offenses related to the Gezi Park protests. In April the Court of Cassation, the country's highest appeals court, overturned the 2015 acquittal of the 35 Besiktas Carsi members. Kavala was charged with espionage and "undermining the constitutional order" in connection with his alleged involvement in the 2016 coup attempt; "attempting to overthrow the government" in connection with the 2013 Gezi Park protests; and "membership in an armed group," "resisting officers of the law," "staging demonstrations in violation of the law," and "possessing unlicensed weapons" in connection with the Besiktas Carsi case. Kavala's lawyers argued that the philanthropist was not involved with Besiktas Carsi and was being prosecuted for political reasons.

The country has an inquisitorial criminal justice system. The system for educating and assigning judges and prosecutors fosters close connections between the two groups, which some legal experts claimed encouraged impropriety and unfairness in criminal cases.

There are no military courts, and military justice is reserved for disciplinary action, not criminal cases.

Lower courts at times ignored or significantly delayed implementation of decisions reached by the Constitutional Court. The government rarely implemented ECHR decisions, despite the country's obligation to do so as a member of the Council of Europe. According to the NGO European Implementation Network, the country has not implemented 64 percent of ECHR decisions from the previous 10 years. For example, it has not implemented the ECHR decision on the illegality of pretrial detention of former Constitutional Court judge Alparslan Altan, who was arrested and convicted following the 2016 coup attempt. In February the Court of Cassation upheld Altan's 11-year prison sentence, and he remained in prison at year's end. On December 8, President Erdogan stated that Turkey does not recognize ECHR rulings in the Osman Kavala and Selahattin Demirtas' cases (see Political Prisoners and Detainees), and he described the rulings as "null and void." He also stated, "We do not recognize the decision of the European Union [sic] above the decision of our judiciary."

Trial Procedures

The constitution provides for the right to a fair public trial, although bar associations and rights groups asserted that increasing executive interference with the judiciary and actions taken by the government through state of emergency provisions jeopardized this right.

The law provides defendants a presumption of innocence and the right to be present at their trials. In several high-profile cases, defendants appeared via video link from prison, rather than in person. Judges may restrict defense lawyers' access to their clients' court files for a specific catalogue of crimes (including crimes against state security, organized crime, and sexual assault against children) until the client is indicted.

A single judge or a panel of judges decides all cases. Courtroom proceedings were generally public except for cases involving minors as defendants. The state increasingly used a clause allowing closed courtrooms for hearings and trials related to security matters, such as those related to "crimes against the state." Attendance of observers and witnesses in the courtroom was also limited during the year due to COVID-19 countermeasures. Court files, which contain indictments, case summaries, judgments, and other court pleadings, were closed

except to the parties to a case, making it difficult for the public, including journalists and watchdog groups, to obtain information on the progress or results of a case. In some politically sensitive cases, judges restricted access to Turkish lawyers only, limiting the ability of domestic or international groups to observe some trials.

Defendants have the right to be present at trial and to consult an attorney of their choice in a timely manner, although legal advocates have asserted the government coerced defendants to choose government-appointed lawyers. Observers and human rights groups noted that in some high-profile cases, these rights were not afforded to defendants. Individuals from the southeast were increasingly held in prisons or detention centers far from the location of the alleged crime and appeared at their hearing via video link systems. Some human rights organizations reported that hearings sometimes continued in the defendant's absence or while the defendants' voice was not heard when video links purportedly failed.

Defendants have the right to legal representation in criminal cases and, if indigent, to have representation provided at public expense. Defendants or their attorneys could question witnesses for the prosecution, although questions must usually be presented to the judges, who are expected to ask the questions on behalf of counsel. Defendants or their attorneys could, within limits, present witnesses and evidence on their own behalf. Defendants have the right not to testify or confess guilt and the right to appeal. The law provides for court-provided language interpretation when needed. Human rights groups alleged interpretation was not always provided free of charge, leaving some poor, non-Turkish-speaking defendants disadvantaged by the need to pay for interpretation.

Observers noted the prosecutors and courts often failed to establish evidence to sustain indictments and convictions in cases related to supporting terrorism, highlighting concerns regarding respect for due process and adherence to credible evidentiary thresholds. In numerous cases authorities used secret evidence or witnesses to which defense attorneys and the accused had no access or ability to cross-examine and challenge in court, particularly in cases related to national security. The government occasionally refused to acknowledge the use of evidence from, or to provide information about, secret witnesses during open court proceedings and in interactions with defense.

Political Prisoners and Detainees

The number of political prisoners remained a subject of debate at year's end. On the fifth anniversary of the 2016 coup attempt in July, the Ministry of Interior announced that authorities had detained 312,121 and arrested 99,123 individuals since the coup attempt on grounds of alleged affiliation with the Gulen movement. NGOs estimated that at least 8,500 individuals were held in pretrial detention or were imprisoned following conviction for alleged links with the PKK. Some observers considered some of the individuals detained on terrorism or other charges to be political prisoners, particularly when charges stemmed from affiliation with the Gulen movement or journalistic work, a position the government disputed.

Prosecutors used a broad definition of terrorism and threats to national security and, according to defense lawyers and opposition groups, in some cases used what appeared to be legally questionable evidence to file criminal charges against and prosecute a broad range of individuals, including media workers, human rights activists, opposition politicians (primarily of the HDP), suspected PKK sympathizers, alleged Gulen movement members or affiliates, and others critical of the government. In some cases charges resulted in government seizure of company, charity, or business assets.

Human rights groups alleged many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling Justice and Development Party (AKP), particularly the HDP or its partner party, the Democratic Regions Party.

As of year's end, seven former HDP parliamentarians and six HDP mayors were in detention following arrest. According to the HDP, since July 2015 at least 5,000 HDP lawmakers, executives, and party members were incarcerated for a variety of charges related to terrorism and political speech. Since 2019 the Ministry of Interior suspended 48 of 65 elected HDP mayors in the southeast based on allegations of support for terrorism related to the PKK. Six additional HDP mayors were not permitted to assume office following the 2019 elections on the grounds that they had been dismissed from their public jobs by governmental decrees. Because the mayors were suspended but not removed, pursuant to 2018

antiterror legislation, local residents did not have the opportunity to elect other representatives. The government appointed officials to govern these 48 municipalities in lieu of the removed elected mayors. Of the suspended mayors, authorities arrested 39. By August 2019 the government had suspended most of the mayors elected in the southeast in March 2019, including the HDP mayors of the major southeastern cities Diyarbakir, Mardin, and Van. The government suspended most mayors for ongoing investigations into their alleged support for PKK terrorism, largely dating to before their respective elections.

The Ankara Chief Prosecutor's Office continued prosecution of 108 individuals, including former HDP cochair Selahattin Demirtas and Figen Yuksekdag and other officials of the HDP and the HDP's sister party, the Democratic Regions Party, for their alleged instigation of violence in the 2014 Kobane protests. A total of 28 defendants were arrested and held in detention at the start of the case. The Kobane protests erupted over perceived government inaction in response to the Islamic State of Iraq and Syria (ISIS) takeover of the majority-Kurdish town of Kobane, Syria, and resulted in at least 37 deaths, including of two police officers. In February prosecutors submitted a summary of proceedings to lift the parliamentary immunity of nine HDP parliamentarians, including cochair Pervin Buldan in connection with the Kobane protest charges. In June the court ruled for the release with an international travel ban of former Kars comayor Ayhan Bilgen, arrested in 2020, and three other defendants in the case. Court proceedings continued at year's end. Prosecutors charged the defendants with "disrupting the unity and territorial integrity of the state," multiple counts of homicide and attempted homicide, and insult charges.

Former HDP cochair and presidential candidate Demirtas remained in prison on terrorism charges in connection with the Kobane case, despite 2018 and 2020 ECHR rulings for his release. He has been imprisoned since 2016. In April a court granted the prosecutors' request to merge the case against Demirtas with the main Kobane case. In March in a separate case, a court sentenced Demirtas to three-and-a-half years in prison for insulting President Erdogan during a 2015 speech. In 2020 the Constitutional Court ruled that Demirtas's lengthy pretrial detention violated his rights, but he was not released on the basis of an investigation into the Kobane case.

In March parliament expelled HDP member Omer Faruk Gergerlioglu after the country's top appeals court upheld his sentence for "propagandizing for a terrorist organization." In 2018 Gergerlioglu was sentenced to two years and six months in prison in connection with social media posts made in 2016. Police arrested Gergerlioglu in April, who was briefly hospitalized before transferring to prison. In July the Constitutional Court ruled that Gergerlioglu's conviction violated his "right to be elected and to engage in political activities" and his "right" to personal liberty and security. Authorities released him from prison. Gergerlioglu regained his status and rejoined the parliament the same month.

In January the Constitutional Court ruled for a second time in favor of CHP parliamentarian Enis Berberoglu after a lower court refused to implement its earlier September 2020 ruling. Parliament expelled Berberoglu in June 2020 after a conviction for revealing MIT activities in Syria. Similar to its September 2020 ruling, the Constitutional Court's January ruling found the government's handling of Berberoglu's case had violated his rights to be elected and to engage in political activities and his right to personal liberty and security. Berberoglu regained his parliamentary status in February.

Students, artists, and association members faced criminal investigations for alleged terrorism-related activities. The government did not consider those in custody for alleged PKK or Gulen movement ties to be political prisoners and did not permit access to them by human rights or humanitarian organizations.

Credible reports claimed that authorities subjected some persons jailed on terrorism-related charges to abuses, including long solitary confinement, unnecessary strip and cavity searches, severe limitations on outdoor exercise and out-of-cell activity, denial of access to prison library and media, slow medical attention, and in some cases the denial of medical treatment. Reports also alleged that authorities subjected visitors of prisoners accused of terrorism-related crimes to abuse, including limiting access to family and degrading treatment by prison guards, including strip searches.

Politically Motivated Reprisal against Individuals Located Outside the

Country

The government engaged in a worldwide effort to apprehend suspected members of the Gulen movement. There were credible reports that the government exerted bilateral pressure on other countries to take adverse action against specific individuals, at times without due process. According to a report by several UN special rapporteurs in May 2020, the government reportedly coordinated with other states to forcibly transfer more than 100 Turkish nationals to Turkey since the 2016 coup attempt. The UN rapporteur's report specified that 40 individuals were subjected to enforced disappearance. In its February report on transitional repression, Freedom House documented 58 cases of individuals whom Turkey renditioned from 17 countries since 2014 but assessed that additional cases were not documented by public sources. Freedom House has concluded that since 2014 Turkey carried out the highest number of renditions without due process in the world.

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: There were credible allegations that Turkish intelligence forces kidnapped alleged members of the Gulen movement in third countries and returned them to Turkey to stand trial.

In July, President Erdogan announced that Turkish intelligence forces captured and returned to Turkey from the Kyrgyz Republic Orhan Inandi, the head of the Gulen-movement-associated Sapat educational network. Inandi is a dual citizen of Turkey and the Kyrgyz Republic. Inandi's wife reported him missing in May, and he was considered a missing person until Turkish authorities announced he was in their custody. The Kyrgyz Ministry of Foreign Affairs stated that Kyrgyz authorities did not cooperate or have knowledge of Inandi's rendition and urged Turkey to return Inandi. A lawyer for the Inandi family alleged Inandi was tortured and that his arm was broken while his whereabouts were unknown.

In May authorities released a statement that Selahaddin Gulen, the nephew of Fethullah Gulen whom the government blamed for the 2016 coup attempt, was in government custody after he was captured by the country's intelligence forces in another country. Gulen vanished in Kenya earlier in May. Human Rights Watch reported that Kenyan police arrested Gulen in October 2020 because of an

INTERPOL red notice from Turkey and opened extradition proceedings against him. The INTERPOL red notice reportedly related to a child molestation charge against Gulen. Once in Turkey, Gulen faced charges of managing an armed terrorist organization. Human Rights Watch further reported Gulen sought asylum in Kenya and that a Kenyan court ordered a ruling halting deportation proceedings in March. Kenyan authorities did not confirm their involvement in the rendition.

Threats, Harassment, Surveillance, and Coercion: Relatives of individuals who fled the country for fear of politically motivated abuse reported that security forces used threats and intimidation to pressure them to reveal the individual's location or encourage them to return to Turkey.

Misuse of International Law-enforcement Tools: There were credible reports that the government attempted to use INTERPOL red notices to target specific individuals located outside the country, alleging ties to terrorism connected to the 2016 coup attempt or to the PKK, based on little evidence. Freedom House reported that since the 2016 coup attempt, the country had uploaded tens of thousands of requests in INTERPOL for persons the government designated as affiliated with the Gulen movement. There were also reports that individuals faced complications related to erroneous lost or stolen passport reports the government filed against suspected Gulen movement supporters in the years directly following the coup attempt. Targeted individuals often had no clearly identified role in the attempted coup but were associated with the Gulen movement or had spoken in favor of it. The reports to INTERPOL have led to individuals' detention or prevented them from traveling.

In June an Istanbul court upheld an extradition order for Can Dunder, the former editor in chief of the newspaper *Cumhuriyet*, convicted and sentenced in absentia to 27 years' imprisonment for reporting on alleged illicit arms shipments by Turkish intelligence officers to Syria. Dunder lived in exile in Germany. The court also approved a Ministry of Justice request to seek an INTERPOL red notice for Dunder.

Efforts to Control Mobility: The government continued to refuse to renew the passports of some citizens with temporary residency permits in other countries on political grounds, claiming they were members of "Gulenist" organizations; these

individuals were unable to travel outside their countries of residence.

Bilateral pressure: There was evidence the government applied bilateral pressure on other countries to secure their assistance with renditions without full due process.

Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial judiciary in civil matters, although this differed in practice. Citizens and legal entities such as organizations and companies have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. On constitutional and human rights issues, the law also provides for individuals to appeal their cases directly to the Constitutional Court, theoretically allowing for faster and simpler high-level review of alleged human rights violations within contested court decisions. Critics complained that, despite this mechanism, the large volume of appeals of dismissals under the state of emergency and decreased judicial capacity caused by purges in the judiciary resulted in slow proceedings.

As of September 30, the Constitutional Court had received 40,286 applications and found rights law violations in 6 percent of applications, according to official statistics. Of the 2020 applications, 27 percent remained pending. Citizens who have exhausted all domestic remedies have the right to apply for redress to the ECHR; however, the government rarely implemented ECHR decisions.

The Inquiry Commission on the State of Emergency Measures has adjudicated appeals of wrongfully dismissed civil servants since 2017. The commission reported that as of the end of October, it had received 126,758 applications, adjudicated 118,415 cases, approved 15,050, and rejected 103,365. Critics complained the appeals process was opaque, slow, and did not respect citizens' rights to due process, including by prohibiting defendants from seeing the evidence against them or presenting exculpatory evidence in their defense.

Property Seizure and Restitution

In multiple parts of the southeast, many citizens continued efforts to appeal the government's 2016 seizures of properties to reconstruct areas damaged in

government-PKK fighting (see section 1.g.).

According to the Savings Deposit Insurance Fund of Turkey, as of May the government had seized 796 businesses worth an estimated 70.2 billion lira (\$7.5 billion) since the 2016 coup attempt. A March 2020 NGO report estimated that 302 billion lira (\$32.2) billion in businesses and business assets, including from media outlets, schools, universities, hospitals, banks, private companies, and other holdings were confiscated since the 2016 coup attempt in breach of domestic regulations.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

While the constitution provides for the “secrecy of private life” and states that individuals have the right to demand protection and correction of their personal information and data, the law provides the MIT with the authority to collect information while limiting the ability of the public or journalists to expose abuses. Oversight of the MIT falls within the purview of the presidency and checks on MIT authorities are limited. The MIT may collect data from any entity without a warrant or other judicial process for approval. At the same time, the law establishes criminal penalties for conviction of interfering with MIT activities, including data collection or obtaining or publishing information concerning the agency. The law allows the president to grant the MIT and its employees’ immunity from prosecution.

Police possess broad powers for personal search and seizure. Senior police officials may authorize search warrants, with judicial permission required to follow within 24 hours. Individuals subjected to such searches have the right to file complaints; however, judicial permission occurring after a search had already taken place failed to serve as a check against abuse.

Security forces may conduct wiretaps for up to 48 hours without a judge’s approval. As a check against potential abuse of this power, the State Inspection Board may conduct annual inspections and present its reports for review to parliament’s Security and Intelligence Commission. Information on how often this authority was used was not available. Human rights groups noted that wiretapping

without a court order circumvented judicial control and potentially limited citizens' right to privacy. Some citizens asserted that authorities tapped their telephones and accessed their email or social media accounts. There was evidence the government monitored private online communications using nontransparent legal authority.

In February, Yuksel Kepenek, the CHP mayor of Honaz in Denizli Province, reported finding a listening device in his office. Kepenek blamed government authorities for installing the device.

Following the outbreak of COVID-19, the Ministry of Interior's General Security Directorate announced it would monitor social media users' posts that "disrupt public order" by spreading panic. The ministry gained the authority to search social media accounts as part of a "virtual patrol" for terrorist propaganda, insults, and other crimes in 2018. The Constitutional Court ruled in March 2020 that such surveillance was unconstitutional and that police must seek a court order to gather information on the identity of internet users or request user identity information from internet providers. The Ministry of Interior, however, continued to monitor social media accounts, and courts continued to accept evidence collected through the program. The ministry announced that it examined 5,934 social media accounts in the month of January and detained 118 individuals because of investigations. The ministry has not shared updated monthly information on social media account surveillance since January. Following the outbreak of massive wildfires in July, the minister of interior announced that the ministry examined 3,246 accounts for provocative information and took legal action against 172 users. The HRA reported that the Ministry of Interior examined a total of 98,714 social media accounts, detained 1,175 individuals, and arrested 52 because of the investigations in the first nine months of the year.

The law allows courts to order domestic internet service providers to block access to links, including to websites, articles, or social media posts. Authorities routinely blocked access to news sites. The NGO EngelliWeb reported that in 2020 authorities blocked 5,645 news site addresses on the internet. In 81 percent of the cases, site administrators removed the publication following the block.

Human rights groups asserted that self-censorship due to fear of official reprisal accounted in part for the relatively low number of complaints they received

regarding allegations of torture or mistreatment.

Using antiterror legislation, the government targeted family members to exert pressure on wanted suspects. Government measures included cancelling the passports of family members of civil servants suspended or dismissed from state institutions, as well as of those who had fled authorities. In some cases the Ministry of Interior cancelled or refused to issue passports for the minor children of individuals outside the country who were wanted for or accused of ties to the Gulen movement. In July the Constitutional Court ruled that the provisions of the Passport Law allowing the Ministry of Interior to cancel passports violated freedom of travel rights protected by the constitution. The court found that passport cancellations on terrorism grounds must be subject to judicial review. The Constitutional Court ruled that its decision will go into effect in July 2022 and obligated the executive branch to develop new regulations within that timeframe.

Government seizure and closure during the previous five years of hundreds of businesses accused of links to the Gulen movement created ambiguous situations for the privacy of client information.

g. Conflict-related Abuses

Occasional clashes between Turkish security forces and the PKK and its affiliates in the country continued throughout the year and resulted in the injury or deaths of security forces, PKK terrorists, and civilians. The government continued security operations against the PKK and its affiliates in various areas of the east and southeast. Authorities issued curfews of varying duration in certain urban and rural areas and also decreed “special security zones” in some areas to facilitate counter-PKK operations, which restricted access of visitors and, in some cases, residents. Portions of Hakkari Province and rural portions of Tunceli Province remained “special security zones” most of the year. PKK attacks claimed the lives of civilians, as did kidnappings. Residents of these areas reported they occasionally had very little time to leave their homes prior to the launch of counter-PKK security operations.

Turkish-supported Syrian armed opposition groups (TSOs) in northern Syria committed human rights abuses, reportedly targeting Kurdish and Yezidi residents

and other civilians, including extrajudicial killings, the arbitrary detention and enforced disappearance of civilians, torture, sexual violence, forced evacuations from homes, looting and seizure of private property, transfer of detained civilians across the border into Turkey, recruitment of child soldiers, and the looting and desecration of religious shrines. One such group, Ahrar al-Sharqiya, allegedly committed serious human rights abuses, including abduction and torture, and was reportedly involved in looting private property from civilians and barring displaced Syrians from returning to their homes. Multiple credible sources also held the group responsible for the unlawful killing of Hevrin Khalaf, a Syrian Kurdish politician, in 2019. Ahrar al-Sharqiya also integrated numerous former ISIS members into its ranks.

A coalition of 34 NGOs assessed some TSO abuses were part of a systematic effort to enforce demographic change targeting Kurdish Syrians. The UN Commission of Inquiry for Syria reported on the frequent presence of Turkish officials in Syrian National Army (SNA) detention facilities, including in interrogation sessions where torture was used. The SNA is a coalition of TSOs. The justice system and detention network used by SNA forces reportedly featured “judges” appointed by Turkey and paid in Turkish lira, suggesting the SNA detention operations acted under the effective command of Turkish forces. The Commission of Inquiry for Syria asserted these and other factors reflected effective Turkish control over certain areas of Syria. The government denied responsibility for conduct by opposition groups it supported but broadly acknowledged the need for investigations and accountability related to such reports and asserted that the Turkish-supported SNA had mechanisms in place for investigation and discipline. (For more information, see the Department of State’s *Country Reports on Human Rights* for Syria).

Killings: According to the International Crisis Group, from mid-2015 to November 15, a total of 593 civilians and 226 individuals of unknown affiliation died in PKK-related fighting in the country and surrounding region.

The HRA reported that as of December, three civilians were killed during clashes between security forces and the PKK within the country’s borders.

The PKK kidnapped soldiers and police personnel as hostages in 2015 and 2016

and later took them to PKK camps in northern Iraq. In February the PKK killed the 13 unarmed hostages when the Turkish military launched a hostage rescue operation in northern Iraq's Gara region.

PKK tactics reportedly included targeted killings and assault with conventional weapons, vehicle-borne bombs, and improvised explosive devices (IEDs). At times, IEDs or unexploded ordnance, usually attributed to the PKK, killed or maimed civilians and security forces. TSO clashes with groups the Turkish government considered to be affiliated with the PKK resulted in civilian deaths in Syria. (For more information, see the Department of State's *Country Reports on Human Rights* for Syria).

Abductions: The PKK abducted or attempted to abduct civilians (see Child Soldiers, below).

Human Rights Watch and the Commission of Inquiry for Syria reported that SNA forces detained and unlawfully transferred Syrian nationals to Turkey. (For more information, see the Department of State's *Country Reports on Human Rights* for Syria).

Physical Abuse, Punishment, and Torture: The UN Commission of Inquiry for Syria reported on the frequent presence of Turkish officials in TSO detention facilities, including in interrogation sessions where torture was used.

Human rights groups alleged that police, other government security forces, and the PKK abused some civilian residents of the southeast. There was little accountability for mistreatment by government authorities.

Child Soldiers: The government and some members of Kurdish communities alleged the PKK recruited and forcibly abducted children for conscription. A group of mothers continued a sit-in protest they began in Diyarbakir in 2019 alleging the PKK had forcibly recruited or kidnapped their children and demanding their return. According to the Directorate of Communications of the Presidency, 438 children escaped and left the PKK between January 2014 and June 2020.

Human rights groups and international bodies reported the government provided operational, equipment, and financial support to an armed opposition group in

Syria that recruited child soldiers (see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>).

Other Conflict-related Abuse: Extensive damage stemming from government-PKK fighting led authorities in 2016 to seize certain properties in specific districts of the southeast. Authorities stated that the purpose of the seizures was to facilitate postconflict reconstruction. Many of these areas remained inaccessible to residents at year's end. In Diyarbakir's Sur District, the government had not returned or completed repairs on many of the seized properties, including the historic and ancient sites inside Sur, such as the Surp Giragos Armenian Church and the Mar Petyun Chaldean Church. The government allocated 30 million lira (\$3.8 million) to renovate four churches; renovations on two of them were completed. Some affected residents filed court challenges seeking permission to remain on seized land and receive compensation; many of these cases remained pending at year's end. In certain cases, courts awarded compensation to aggrieved residents, although the latter complained awards were insufficient. The overall number of those awarded compensation was unavailable at year's end.

Government actions and adverse security conditions impacted individuals' ability to exercise their freedoms, including limiting journalists' and international observers' access to affected areas, which made monitoring and assessing the aftermath of urban conflicts difficult.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression within certain limits. The government restricted freedom of expression, including for members of the press and other media, throughout the year. Multiple articles in the penal code directly restrict freedom of the press and other media and free speech through broad provisions that prohibit praising a crime or criminals or inciting the population to enmity, hatred, or denigration, as well as provisions that protect public order and criminalize insulting the state, the president, or government officials.

The government's prosecution of journalists representing major opposition and independent newspapers and its jailing of journalists since the 2016 coup attempt hindered freedom of expression. Media professionals reported that self-censorship was widespread amid fear that criticizing the government could prompt reprisals.

Freedom of Expression: Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government restricted expression by individuals sympathetic to some religious, political, or cultural viewpoints. At times those who wrote or spoke on sensitive topics or in ways critical of the government risked investigation, fines, criminal charges, job loss, and imprisonment. The government convicted and sentenced hundreds of individuals for exercising their freedom of expression. The government frequently responded to expression critical of it by filing criminal charges alleging affiliation with terrorist groups, terrorism, or otherwise endangering the state (see National Security, below).

In March prosecutors filed an opinion seeking an eight-year prison sentence for CHP Istanbul provincial chair Canan Kaftancioglu in an appeals case related to tweets critical of government policy, including comments related to the 2013 Gezi Park Protests and the 2016 coup attempt, which she made between 2012 and 2017. A lower court sentenced her to nearly 10 years' imprisonment in 2018. In January prosecutors filed a separate indictment for "instigating the violation of privacy," claiming that Kaftancioglu ordered photos of alleged illegal construction at the home of the Turkish Presidency's communications director Fahrettin Altun. In October prosecutors also charged Kaftancioglu with "offending and insulting" Altun in relation to the same incident. In May, President Erdogan filed an insult lawsuit against Kaftancioglu, seeking 500,000 lira (\$58,900) in damages for remarks she made in support of Bogazici University protesters. Kaftancioglu had pledged to "file a criminal complaint against the person who is occupying the presidential post," referring to Erdogan.

The law provides for punishment of up to three years in prison for conviction of "hate speech" or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups noted that the law was used more to restrict freedom of speech than to protect minorities.

A parliamentary by-law prohibits use of the word “Kurdistan” or other sensitive terms on the floor of parliament, stating that parliamentarians could be reprimanded or temporarily expelled from the assembly; however, authorities did not uniformly implement this by-law.

Former Diyarbakir Bar Association chairman Ahmet Ozmen continued to face charges filed in 2019 stemming from 2017 and 2018 bar association statements titled “We share the unrelieved pain of Armenian people.” In April the Diyarbakir Bar Association reported that the Ministry of Interior launched an investigation after the bar association released a statement for Armenian Genocide Remembrance Day.

Rights groups and free speech advocates reported intensifying government pressure that in certain cases resulted in their exercising enhanced caution in their public reporting.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Mainstream print media and television stations were largely controlled by progovernment holding companies heavily influenced by the ruling party. Reporters without Borders estimated the government was able to exert power in the administration of 90 percent of the most watched television stations and most read national daily newspapers through the companies’ affiliation with the government. Only a small fraction of the holding companies’ profits came from media revenue, and their other commercial interests impeded media independence, encouraged a climate of self-censorship, and limited the scope of public debate.

Government prosecution of journalists limited media freedom throughout the year. In May the NGO Press in Arrest reported that prosecutors requested life sentences in 10 percent of cases filed against journalists since 2018. The NGO analyzed 240 press trials involving 356 journalists since 2018. In 60 percent (143) of the monitored cases, courts delivered prison sentences, ranging from 10 months’ to 19.5 years’ imprisonment. Prosecutors most frequently charged journalists with terrorism-related charges.

In January, Istanbul prosecutors filed terrorism propaganda charges against

journalist Melis Alphan for sharing a picture on her social media account from the 2015 Newroz celebrations in majority-Kurdish Diyarbakir, which showed a PKK flag in the background. An Istanbul court acquitted Alphan in May, but prosecutors appealed. In July an appeals court ruled that Alphan should be retried. She faced up to seven-and-a-half years in prison.

In several cases the government barred journalists from travelling outside the country, including using electronic monitoring.

Violence and Harassment: Government and political leaders and their supporters used a variety of means to intimidate and pressure journalists, including lawsuits, threats, and, in some cases, physical attack.

The Committee to Protect Journalists reported that attacks on journalists were rarely prosecuted. Victims publicly expressed a belief that law enforcement agencies were not interested in prosecuting the crimes. In March a mob of 15 to 20 persons attacked Levent Gultekin, a columnist for online newspaper *Diken* and commentator for Halk TV, near the Halk TV studios. Both *Diken* and Halk TV are pro-opposition outlets. Following the attack, Gultekin shared that prior to the incident, he had received threats from supporters of a political party allied with the ruling party, referencing the Nationalist Movement Party. Police opened an investigation into the attack, and Justice Minister Abdulhamit Gul promised to take steps to improve security for journalists but did not provide details.

On March 9, a man approached the home of radio presenter Hazim Ozsu in Bursa and shot him in the throat. Police arrested the presumed killer six days later. During interrogation, the suspect stated he shot Ozsu because he objected to some of Ozsu's on-air remarks.

CHP parliamentarian Utku Cakirozer reported that in July alone at least 18 journalists were subjected to violence as a result of their professional activities. In August a group attacked Halk TV journalists and crew during a live broadcast from Marmaris, threatening the cameraman with a broken bottle. The journalists were reporting on wildfires in the region. Police detained the assailants after they fled the scene but later released them. News reports alleged that one of the assailants was an official at the local AKP office.

The government routinely filed terrorism-related charges against individuals or publications in response to reporting on sensitive topics, particularly government efforts against PKK terrorism and the Gulen movement (also see National Security). Human rights groups and journalists asserted the government did this to target and intimidate journalists and the public for speech critical of the state.

In June police forcefully detained Agence France-Presse photographer Bulent Kilic while he was covering the pride march in Istanbul. According to an interview with Kilic and photos from the scene, officers threw Kilic to the ground and knelt on his back and neck. Kilic reported struggling to breathe. He was briefly detained before being released with no charge.

Journalists affiliated or formerly affiliated with pro-Kurdish outlets faced significant government pressure, including incarceration. The government routinely denied press accreditation to Turkish citizens working for international outlets for any association (including volunteer work) with private Kurdish-language outlets.

Censorship or Content Restrictions: Government and political leaders maintained direct and indirect censorship of media and books. Authorities subjected some writers and publishers to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, or insulting religious values. Authorities investigated or continued court cases against a myriad of publications and publishers on these grounds during the year. Authorities also exercised censorship over online media (see Internet Freedom, below, for details).

While the law does not prohibit particular books or publications, court decisions resulted in bans for distribution or sale of certain books and periodicals. Bookstores did not carry books by some opposition political figures.

Publishers often exercised self-censorship, avoiding works with controversial content (including government criticism, erotic content, or pro-Kurdish content) that might draw legal action. The Turkish Publishers Association reported that publishers faced publication bans and heavy fines if they failed to comply in cases in which a court ordered the correction of offensive content. Authorities also

subjected publishers to book promotion restrictions. In some cases prosecutors considered the possession of some Kurdish-language, pro-Kurdish, or Gulen movement books to be credible evidence of membership in a terror organization.

In 2020 a court ruled to ban the book *The Political Branch of FETO in 21 Questions* published by the CHP, which accused President Erdogan and other officials of cooperating with the Gulen movement. Prosecutors sought the ban based on insult charges and the charge of “provocation of the public to hatred and enmity.” The court decision barred future printing, distribution, and sale of the book and ordered confiscation of all copies already in print. In April the press reported that the now-banned book was cited as evidence in a prosecutorial request to the parliament to lift the parliamentary immunity of CHP leader Kemal Kilicdaroglu and seven other CHP members.

Some journalists reported their employers asked them to censor their reporting if it appeared critical of the government or jeopardized other business interests and fired them if they failed to comply. These pressures contributed to an atmosphere of self-censorship in which media reporting became increasingly standardized along progovernment lines.

Radio and television broadcast outlets did not provide equal access to the country’s major political parties. Critics charged that media generally favored the ruling AKP. The president of the country’s broadcasting authority, the Radio and Television Supreme Council (RTUK), told interviewers in April, “The political opposition wants to oppose [the government] in an uncontrolled manner. There are limits that cannot be surpassed.”

RTUK continued the practice of fining broadcasters whose content it considered “contrary to the national and moral values of society.” Service providers that broadcast online are required to obtain a license or may face having their content removed. RTUK is empowered to reject license requests on the grounds of national security and to subject content to prior censorship. RTUK member Ilhan Tasci, who represented the CHP, reported that as of July, RTUK had imposed 22 penalties on pro-opposition outlets only, mainly Halk TV, TELE1, and FOX TV. RTUK did not impose any fines on progovernment outlets.

In August, RTUK sent a letter to broadcasters regarding coverage of massive wildfires that broke out in July. The letter directed broadcasters to cover successful extinguishing efforts in addition to covering ongoing fires or face “heavy sanctions.” RTUK subsequently imposed fines on six opposition broadcasters for their coverage of the fires.

In March, RTUK fined pro-opposition broadcasters Halk TV and TELE1 for “mocking religious beliefs and social values.” Halk TV incurred the penalty after a news commentator noted that the head of the Religious Affairs Directorate (Diyanet) Ali Erbas received medical care in more expensive private, rather than public hospitals. RTUK fined TELE1 because a newscaster used the term “Islamic terrorism.”

According to Committee to Protect Journalists reporting, during the state of emergency from 2016 to 2018, the government cancelled nearly 2,000 press cards and another 1,400 in 2020. In April the Council of State, the country’s top administrative court, ruled against the 2018 press card regulation that expanded government authority to cancel press accreditation cards. The court ruled that the regulation specified grounds for press card cancellation, such as “conduct against the public order or national security” and “behaviors that damage the professional dignity of journalism,” that were arbitrary and ambiguous. The court mandated revision of the regulations. In May the Presidency Communications Directorate announced new regulations that reinforced the directorate’s authority to cancel press cards if journalists create content that “praises terror, endangers national security or provokes animosity and hatred” and enabled cancellation of permanent credentials granted to journalists after 20 years of service. The Journalist’s Union of Turkey assessed that the new regulations endangered journalistic freedom by allowing the government to arbitrarily suspend press credentials. In December the Council of State suspended the application of the revised regulations, ruling that the Presidency Communication Directorate is not authorized to decide who will be given a press card or under what circumstances a press card can be cancelled.

Authorities also targeted foreign journalists. In March authorities blocked French freelance journalist Sylvain Mercadier from entering the country and deported him after detaining him overnight. Mercadier reported that police questioned him regarding his work and whether he focused on Kurdish issues. Mercadier intended

to cover Newroz celebrations in Diyarbakir, among other topics. Immigration officials indicated public security as the reason for deportation in documentation provided to Mercadier.

Libel/Slander Laws: Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism. The law provides that persons who insult the president of the republic may face a prison term of up to four years. The sentence may be increased by one-sixth if committed publicly and by one-third if committed by media outlets.

During the year the government opened investigations into thousands of individuals, including politicians, journalists, and minors, based on allegations of insulting the president; the founder of the Turkish Republic, Mustafa Kemal Atatürk; or state institutions. According to Ministry of Justice statistics, police investigated 44,717 individuals for insulting the president or the state in 2020; 10,629 stood trial and 3,655 were penalized. In July a court sentenced journalist Cem Simsek to 11 months and 20 days in prison for insulting the president in connection with a 2015 article analyzing cartoon drawings showing President Erdogan. Simsek was appealing the sentence at year's end.

Authorities charged citizens, including minors, with insulting the country's leaders and denigrating "Turkishness." Free speech advocates pointed out that, while leaders and deputies from opposition political parties regularly faced multiple insult charges, the government did not apply the law equally and that AKP members and government officials were rarely prosecuted.

In May, Istanbul prosecutors indicted journalist Deniz Yucel, formerly of the German newspaper *Die Welt*, on charges of "publicly degrading the Turkish nation and the state" in connection with two articles from 2016. In 2020 an Istanbul court convicted Yucel of "incitement to hatred" and spreading "terrorist propaganda" and sentenced him in absentia to two years and nine months in prison. An appeal was ongoing at year's end.

In February a court sentenced CHP Aydin Province women's branch president Ayse Ozdemir to 11 months' imprisonment for "insulting the president" in

connection with her participation in a 2020 performance to protest violence against women. Participants sang a viral Chilean feminist anthem during the performance. The court ordered a suspended sentence.

In April, President Erdogan signed a presidential order banning students convicted of insulting the president from staying in public university dormitories.

The government pursued an insult case against the Ankara Bar Association chair and executive board members for criticizing an anti-LGBTQI+ statement made by the head of the Religious Affairs Directorate (Diyanet) Ali Erbas in 2020. The Ankara Bar Association leaders faced a potential sentence of up to two years in prison for “insulting a public official due to his or her duty for expressing beliefs, thoughts and opinions.” Police separately launched investigations into the Izmir and Diyarbakir bar associations in relation to the same incident.

National Security: Authorities regularly used the counterterrorism law and the penal code to limit free expression on grounds of national security. Organizations, including the Committee to Protect Journalists and Freedom House, reported that authorities used the counterterrorism law and criminal code to prosecute journalists, writers, editors, publishers, filmmakers, translators, rights activists, lawyers, elected officials, and students accused of supporting a terrorist organization – generally either the PKK or the Gulen movement.

Estimates of the number of imprisoned journalists varied, ranging from at least 18 according to the Committee to Protect Journalists to 37 according to the International Press Institute. The majority faced charges related to antigovernment reporting or alleged ties to the PKK or Gulen movement.

The Media and Law Studies Association in Istanbul attributed the disparity in estimates of the number of incarcerated journalists to the varying definitions of “journalist” or “media worker.” While the government officially recognizes as journalists only persons to whom it has issued a press accreditation card (typically limited to reporters, cameramen, and editors working for print or broadcast outlets), media watchdog groups also included distributors, copy editors, layout designers, and other staff of media outlets, including digital outlets, in their definition. The Committee to Protect Journalists reported allegations from

journalists that the process for receiving credentials was discriminatory and partisan, and NGOs estimated that only roughly one-quarter of the press corps were credentialed.

A study by the NGO Media and Law Studies Organization of 372 freedom of expression cases conducted from January to July found that in 58 percent of cases defendants faced charges related to terrorism. Prosecutors cited journalistic activities as evidence in 64 percent of cases where a press worker was a defendant.

In February an Istanbul court convicted the former HRA cochair Eren Keskin, two other former editors, and the former publisher of pro-Kurdish daily *Ozgur Gundem* on terrorism charges and sentenced them to jail terms ranging from 25 months to more than six years. In the same month hearings resumed in cases against four other journalists, including Erol Onderoglu, the Turkey representative of Reporters Without Borders, for “promoting terrorist propaganda” in a separate case related to *Ozgur Gundem*. In 2016 the defendants participated in a solidarity campaign with *Ozgur Gundem*, serving as the newspaper’s editors for one day each. Prosecutors subsequently filed charges against Onderoglu and other participants. Although an Istanbul court acquitted the four defendants in 2019, prosecutors subsequently appealed. Prosecutors sought up to 14 years in prison for the defendants in the resumed cases.

In March a court convicted an OdaTV news editor, Muyesser Yildiz, and TELE1 journalist, Ismail Dukel, for obtaining and disclosing confidential information. Yildiz was sentenced to two-and-a-half years’ imprisonment and Dukel to one year and 15 days. The journalists were tried in connection with telephone conversations they held with the third defendant in the case, a military officer, who allegedly provided them with information about Turkey’s intervention in Libya. The military officer received a sentence of seven-and-a-half years’ imprisonment.

In April the country’s highest appeals court ordered the release of prominent novelist and former editor of shuttered *Taraf* daily, Ahmet Altan. Police first detained Altan in 2016. Shortly before the appeals court’s decision, the ECHR ruled that the government violated Altan’s rights to liberty and security, right to fair and speedy proceedings, and freedom of expression. Altan was convicted in 2018 for “attempting to overthrow the constitutional order” for alleged

involvement in the 2016 coup attempt; he received an aggravated life sentence. In 2019 after the Supreme Court of Appeals overturned the life imprisonment sentence, Altan was convicted for “aiding a terrorist organization” and released on time served. Within days of the release, he was rearrested following the prosecutor’s objection. Altan’s lawyers reported that the case against him was ongoing.

An unknown number of journalists were outside the country and did not return due to fear of arrest in connection with the 2016 coup attempt or other charges. Independent reports estimated the government has closed more than 200 media companies since 2016.

Nearly all private Kurdish-language newspapers, television channels, and radio stations remained closed on national security grounds under government decrees.

Nongovernmental Impact: The PKK used intimidation to limit freedom of speech and other constitutional rights in the southeast. Some journalists, political party representatives, and residents of the southeast reported pressure, intimidation, and threats if they spoke out against the PKK or praised government security forces.

Internet Freedom

The government continued to restrict access to the internet and expanded its blocking of selected online content. The government at times blocked access to cloud-based services and permanently blocked access to many virtual private networks. There was evidence the government monitored private online communications using nontransparent legal authority. A Freedom House report, *Freedom on the Net 2021: The Global Drive to Control Big Tech*, noted that the government removed online content deemed critical of the ruling party or Erdogan from websites and social media platforms, and online activists, journalists, and social media users were harassed both physically and online for their social media posts.

The law allows the government to block a website or remove content if there is sufficient suspicion that the site is committing any number of crimes, including insulting the founder of the Turkish Republic, Mustafa Kemal Atatürk, or insulting

the president. The government may also block sites to protect national security and public order. At times authorities blocked some news and information sites that had content criticizing government policies. The law also allows persons who believe a website violated their personal rights to ask the regulatory body to order internet service providers (ISPs) to remove offensive content. Government leaders, including the president, reportedly employed staff to monitor the internet and initiate charges against individuals perceived as insulting them.

The government-operated Information and Communication Technologies Authority (BTK) is empowered to demand that ISPs remove content or block websites with four hours' notice, as are government ministers. The regulatory body must refer the matter to a judge within 24 hours, who must rule on the matter within 48 hours. If it is not technically possible to remove individual content within the specified time, the entire website may be blocked. ISP administrators may face a penalty of six months to two years in prison or fines ranging from 50,000 to 500,000 lira (\$5,100 to \$51,600) for conviction of failing to comply with a judicial order. The president appoints the BTK president, vice president, and members of the agency.

A 2020 law introduced new requirements for social media companies with more than one million users to establish legal in-country representation, to respond quickly to content removal requests, and to store data in country. At the time of passage, human rights activists voiced strong concern over the law's implication in broadening censorship. Several companies, including Facebook, Twitter, and Instagram, faced fines in 2020 and early 2021 for failing to comply with the in-country representation requirement. By the end of the year, all major social media companies had established offices or representation in the country. Major platforms including Facebook and Twitter announced that they would continue to apply internal standards to content removal request reviews. Internet freedom activists reported that content removals by major platforms did not increase significantly in the year since the law's passage. An April report by the NGO Media Research Association found that the government removed at least 658 news articles under the new law, the majority related to allegations of corruption or violations of due process.

The government has authority to restrict internet freedom with limited

parliamentary and judicial oversight. The law provides that government authorities may access internet user records to “protect national security, public order, health, and decency” or to prevent a crime. The law also establishes an ISP union of all internet providers that is responsible for implementing website takedown orders. The judicial system is responsible for informing content providers of ordered blocks.

The government required ISPs, including internet cafes to use BTK-approved filtering tools that blocked specific content. Additional internet restrictions were in place in government and university buildings. According to the internet freedom NGO EngelliWeb, the government blocked 58,089 domain names during 2020, increasing the total number of blocked sites to 467,011. Of the new domain names that the government blocked, 89 percent were blocked through a BTK decision that did not require judicial approval.

According to Twitter’s internal transparency report, during the last six months of 2020, the company received 3,749 court orders and other legal requests from authorities to remove content. Twitter had a 25 percent compliance rate with court orders and 44 percent compliance rate with other legal demands.

Academic Freedom and Cultural Events

During the year the government continued to limit academic freedom, restrict freedom of speech in academic institutions, and censor cultural events.

The president appointed rectors to state and foundation-run universities, leading critics to assert that the appointments compromised the academic and political independence of the institutions. Some academics faced charges due to public statements critical of government policy. Academics and others criticized the situation in public universities, asserting that the dismissals of more than 7,000 academics during the 2016-18 state of emergency had depleted many departments and institutions of qualified professional staff to the detriment of students and the quality of education.

The majority of the 822 “Academics for Peace” dismissed and tried for signing a 2016 petition condemning state violence in the southeast had not been reinstated to their positions despite a 2019 Constitutional Court ruling that their prosecution was

a violation of freedom of expression. In September the Constitutional Court ruled that the international travel ban applied to one of the academics, Latife Akyuz, was a violation of her right to privacy in another precedent.

President Erdogan's January 1 appointment of Melih Bulu as the rector of Bogazici University resulted in protests in Istanbul and other cities through much of the year. Bulu, an academic and former AKP parliamentary candidate, was the first rector appointed from outside the university community since the 1980 military coup, and his appointment quickly drew opposition from faculty, students, and alumni. In July, Erdogan removed Bulu from office. In September, Erdogan formally appointed Mehmet Naci Inci, Bulu's former deputy. Press stories revealed the Bogazici faculty held an informal review of 19 candidates for rector and that Naci was one of two candidates that did not receive a vote of confidence. Nearly 100 Bogazici faculty members filed lawsuits against Naci for his actions as acting rector, including cancelling classes and dismissing staff. Inci's appointment sparked additional protests from faculty and students in September and October, with police detaining several protesters. As of November more than 100 protesters continued to face legal proceedings for participating in the Bogazici University protests throughout the year.

Some academics and event organizers stated their employers monitored their work and that they faced censure from their employers if they spoke or wrote on topics not acceptable to academic management or the government. Many reported practicing self-censorship. Human rights organizations and student groups criticized court- and Higher Education Board-imposed constraints that limited university autonomy in staffing, teaching, and research policies.

In March press outlets reported that the University of Health Sciences in Istanbul opened an investigation into a course on gender equality after a conservative newspaper reported that it was inconsistent with Islamic values. University administrators issued a statement stating, "It is impossible for us to allow, tolerate or approve of any course content that targets our social values, manners, customs and old traditions, religious and national values."

The government employed antiterror and other measures to restrict artistic and cultural activities, including music lyrics and theatrical performances. The

government maintained a ban on more than 200 Turkish and Kurdish songs on the grounds their content encouraged persons to smoke or drink or conveyed “terrorist propaganda.” In March the Contemporary Cinema Actors Association released a survey of performing artists in which 61 percent of respondents said they had been subject to censorship in their work and 63 percent said they exercised self-censorship.

In March police arrested and transferred to prison rapper Burak Aydogduoglu, who performs under the stage name Burry Soprano, after a court sentenced him to four years’ and two months’ imprisonment for “encouraging drug use” with his song, Mary Jane. Following appeal, Aydogduoglu was acquitted and released in June.

b. Freedoms of Peaceful Assembly and Association

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although the constitution provides for freedom of assembly, the law provides several grounds for the government to limit that right. The law stipulates penalties for protesters convicted of carrying items that might be construed as weapons, prohibits the use of symbols linked to illegal organizations (including chanting slogans), and criminalizes covering one’s face while protesting. The law permits police to use tinted water in water cannons, potentially to tag protesters for later identification and prosecution. The law also allows police to take persons into “protective custody” without a prosecutor’s authorization if there is reasonable suspicion that they are a threat to themselves or to public order. The antiterror law gives provincial governors enhanced authority to ban protests and public gatherings, a ban some governors enacted broadly during the year.

In April the Ministry of Interior issued a circular banning all audio and visual recordings of citizens and police at protests. The Ankara Bar Association and human rights groups criticized the regulation and noted that it will hinder documentation of police violence at protests. Despite the ban journalists and protest participants continued to film protests, risking arrest. The country’s top administrative court stayed the execution of the circular in November and annulled it in December, finding that it violated freedom of the press.

The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, frequently using excessive force, resulting in injuries, detentions, and arrests. At times the government used its authority to detain persons before protests were held on the premise that they might cause civil disruption. The government generally did not investigate security forces' actions. The HRFT reported that in the first 11 months of the year, police intervened in at least 291 peaceful demonstrations and prohibited at least 88. As many as 3,540 persons claimed they were beaten and received other inhuman treatment during these police interventions. Human rights NGOs asserted the government's failure to delineate clearly in the law the circumstances that justify the use of force contributed to disproportionate use of force during protests.

In March hundreds of police officers restricted access to the annual International Women's Day (March 8) demonstration in Istanbul. Police detained 13 women, including a 17-year-old minor, following the march. Prosecutors ordered the detention on charges of insulting the president after reviewing videos of the demonstration. Human Rights Watch reported that during interrogations police identified the phrase "Tayyip [President Erdogan's first name], run, run, run, women are coming," a slogan used during the demonstrations, as criminally offensive.

Also in March, President Erdogan announced his decision to withdraw the country from the Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly known as the Istanbul Convention (see section 6, Women), precipitating mass protests. On July 1, thousands of demonstrators took part in a protest in Istanbul. The Istanbul governor's office had issued a permit for the demonstration, but police used tear gas and rubber bullets to disperse protesters who attempted to breach a second row of police barricades. No detentions or serious injuries were reported, but many women posted photographs of minor injuries on social media.

Authorities continued to press charges against 33 members of the organization Ankara Women's Platform who joined protests against the country's possible withdrawal from the Istanbul Convention in 2020. The defendants faced charges for violating the Law on Meetings and Demonstrations. In June police dispersed a

protest that the Ankara Women's Platform staged in front of the courthouse where a hearing in the case was being held. Police prevented platform members from making a statement in support of defendants and used pepper spray against them. Police detained 20 demonstrators. Several demonstrators reported being battered during their detention.

The government continued selectively to ban demonstrations outright if they were critical of the government and selectively applied COVID-19 restrictive measures to demonstrations. In May the governor of Rize Province implemented a month-long ban on protests, marches, and public statements in Rize's Ikizdere District after protests broke out in April against the opening of a stone quarry. Prior to the ban, law enforcement officers fined protesters for not complying with the COVID-19 curfew. In April, Jandarma officers used tear gas to disperse protesting residents of Ikizdere, detaining and releasing several the same day. Some of protesters reported injuries due to police intervention.

In January the Istanbul governor used the COVID-19 pandemic as grounds to announce a ban on all protests and public gatherings in the two Istanbul districts where Bogazici University campuses are located. The governor of Adana similarly banned protests in Adana from January to February after protests over the Bogazici University rector appointment broke out in the city. Ankara authorities selectively applied blanket COVID-19 restrictions on public gatherings to detain Bogazici protesters. Police detained hundreds of protesters across the country and used undue force that some protesters alleged amounted to torture (see section 1.c.).

Istanbul police continued to prevent the vigil of the "Saturday Mothers" from taking place on Istiklal Street in Istanbul, detaining three group members during the commemoration of the vigil's 800th week in July. Since the 1990s, the Saturday Mothers gathered to commemorate the disappearances of relatives following their detention by security forces in the 1980s and 1990s and to call for accountability. Of the group, 46 members continued to face criminal charges for violating the law by holding their 700th weekly vigil in 2018.

As in previous years, police intervened in demonstrations to honor International Workers' Day on May 1. The press reported that police detained more than 200 demonstrators violating COVID-19 curfews, mainly in Istanbul. Videos showed

police jostling with unions leaders and other demonstrators and throwing them on the ground in Istanbul. Authorities allowed some commemorations that received prior government approval to proceed, with the Istanbul governor's office reporting that police only intervened in "illegal" gatherings. The Confederation of Revolutionary Trade Unions of Turkey reported that police barred journalists from documenting police violence, per the April circular (see above).

Throughout the year the governors of Van, Tunceli, Mus, Hakkari, and several other provinces banned public protests, demonstrations, gatherings of any kind, and the distribution of brochures.

Authorities restricted the rights of assembly of LGBTQI+ individuals and allies throughout the year (see section 6).

Freedom of Association

While the law provides for freedom of association, the government continued to restrict this right. The government used provisions of the antiterror law to prevent associations and foundations it had previously closed due to alleged threats to national security from reopening. In its 2020 end-of-year report, the Inquiry Commission on the State of Emergency Measures reported that 208 of the 1,727 associations and foundations closed following the 2016 coup attempt have been allowed to reopen. Observers widely reported the appeals process for institutions seeking redress through the Inquiry Commission on the State of Emergency Measures remained opaque and ineffective (see section 1.e., Denial of Fair Public Trial).

By law persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this requirement placed an undue burden on their operations. Human rights and civil society organizations, groups promoting LGBTQI+ rights, and women's groups in particular, stated that the government used regular and detailed audits to create administrative burdens and to intimidate them by threatening large fines.

Human rights groups reported that since the passage of the counterterrorism

financing legislation, Preventing Financing of Proliferation of Weapons of Mass Destruction, in late December 2020, government audits had become more frequent and onerous. The law expanded the Ministry of Interior's powers to audit, suspend staff and governing board members, and temporarily shut down operations of NGOs without judicial review. Although authorities did not close any civil society organization using this law during the year, NGOs reported that the law had already had a substantial chilling effect. Civil society organization warned that the law provided authorities with expanded powers to punitively target civil society organizations engaged in politically sensitive work, and some organizations reported restricting their normal activities to reduce the likelihood of attracting adverse government attention.

In July the Council of Europe's Venice Commission adopted an expert opinion criticizing the law, noting its stipulations regarding aid collection and mandatory yearly audits could be applied punitively and arbitrarily to restrict NGO activity in violation of freedom of association. The opinion also noted that the law's provisions potentially enabling the government to appoint trustees to NGOs without approval from the associations' members "constitutes a serious infringement of the right of associations to conduct their own affairs." The opinion also expressed concern that the provisions of the law apply indiscriminately to the entire civil society sector rather than to specific NGOs identified as being vulnerable to financing by terrorist entities.

In April the Ministry of Interior suspended the board of the Turkey Retired Officers Association after it pledged support for a controversial public statement on the Montreux Convention issued by 103 retired admirals. The government alleged the statement included an implicit coup threat and detained at least 14 of the signatories, later releasing them under travel bans. The ministry cited the Law on Associations in suspending the association's board. In December prosecutors filed an indictment seeking up to 12 years in prison for the signatories of the statement.

The case against former Amnesty International honorary chair Taner Kilic and three other human rights defenders continued in appeals court. Authorities charged the defendants with "membership in a terrorist organization" or "aiding a terrorist organization without being a member," largely stemming from attendance at a

2017 workshop, Protecting Human Rights Advocates – Digital Security, held on Istanbul’s Buyukada Island. In 2020 an Istanbul court convicted Kilic and three others on terrorism-related charges. The activists remained free pending appeal; the 2018 ban on Kilic’s foreign travel, however, remained in place.

Following the July 2020 passage of a law allowing multiple bar associations in populous provinces and the subsequent founding of second bar associations in Istanbul and Ankara, some lawyers reported government pressure to join the new associations. All 80 domestic bar associations, as well as human rights groups, criticized the 2020 law, alleging it would divide bar associations along political lines and diminish the voices of bar associations critical of the government’s actions. Bar associations in major metropolitan areas have wielded significant political power and influence, particularly in matters of human rights and rule of law. In February the original Istanbul bar association issued a statement noting it had received complaints that public officials were pressuring lawyers to switch membership to the newly established bar association. By year’s end, however, the second bar association of Istanbul had approximately 2,300 members, only a slight increase above the minimum legal requirement of 2,000 members. The second bar association in Ankara was established in October.

Bar association and other civil society organization representatives reported that police sometimes attended organizational meetings and recorded them, which the representatives interpreted as an effort to intimidate them.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited these rights. The government continued to restrict foreign travel for some citizens accused of terrorism, links to the Gulen movement, or the failed 2016 coup attempt. Curfews imposed by local authorities in response to counter-PKK operations and the

country's military operation in northern Syria also restricted freedom of movement, as did movement restrictions introduced as COVID-19 precautions.

In-country Movement: The constitution provides that only a judge may limit citizens' freedom to travel and only in connection with a criminal investigation or prosecution. Antiterror laws allow severe restrictions to be imposed on freedom of movement, such as granting governors the power to limit individuals' movement, including entering or leaving provinces, for up to 15 days.

Freedom of movement remained a problem in parts of the east and southeast, where countering PKK activity led authorities to block roads and set up checkpoints, temporarily restricting movement at times. The government instituted special security zones, restricting the access of civilians, and established curfews in parts of several provinces in response to PKK terrorist attacks or activity (see section 1.g.).

The Ministry of Interior and provincial governors instituted travel restrictions as anti-COVID-19 measures on several occasions throughout the year.

Conditional refugees and Syrians under temporary protection also experienced some restrictions on their freedom of movement (see section 2.f.).

Foreign Travel: The government placed restrictions on foreign travel for tens of thousands of citizens accused of terrorism due to links to the Gulen movement or the failed coup attempt, as well as on their extended family members. Authorities also restricted some foreign citizens with dual Turkish citizenship from leaving the country due to alleged terrorism concerns. The government maintained the travel restrictions were necessary to preserve security. Some persons whom the government barred from travel chose to leave the country illegally.

Syrians under temporary protection risked the loss of temporary protection status and a possible bar on re-entry into the country if they chose to travel to a third country or return temporarily to Syria without government permission. The government issued individual exit permissions for Syrians under temporary protection departing the country for the Eid holiday visit program to Syria, family reunification, health treatment, or permanent resettlement. The government sometimes denied exit permission to Syrians under temporary protection for

reasons that were unclear.

e. Status and Treatment of Internally Displaced Persons

In 2019 the country's Peace Spring military operation displaced more than 215,000 residents of villages along the country's border with Syria in parts of Aleppo, al-Hasakah, and Dayr az Zawr. At the time the president announced the country's intention to create a safe zone for the return and resettlement of one to two million Syrian refugees from Turkey. In October the government announced that 414,000 individuals had voluntarily returned to Syria. Approximately one-half of those displaced inside Syria because of the operation have returned according to February 2020 UN estimates, the latest available. More than 100,000 persons remained displaced, however, including tens of thousands of women and children. Turkish officials publicly committed to safe and voluntary refugee returns.

The law allows persons who suffered material losses due to terrorist acts, including those by the PKK or by security forces in response to terrorist acts, to apply to the government's damage determination commissions for compensation.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to conditional refugees, returning refugees, stateless persons, and international protection applicants and status holders and temporary protection beneficiaries.

The government took steps during the year to continue services provided to the approximately four million refugees and asylum seekers in the country, nearly 3.7 million of whom were Syrians, despite a number of economic, political, and social challenges. Amidst growing antirefugee sentiment and following attacks against Syrians in an Ankara neighborhood in August, the government announced in September the closure of Ankara Province to temporary protection registration for Syrians (joining at least 15 other provinces in the country). The Presidency of Migration Management (PMM), previously known as the Directorate General for Migration Management, reported that the government apprehended 122,302

individuals in 2020, either for staying in Turkey without proper documentation or trying to enter or exit Turkey irregularly. The PMM reported that 50,161 of those apprehended were Afghan nationals. The government did not provide official data on the number of “irregular migrants” deported to their countries of origin. A spokesperson for the Ministry of Interior stated that the government prevented the illegal entry of more than 505,000 foreign nationals.

Increased border surveillance and protection measures by security services along the eastern border areas with Iran prevented individuals, particularly Afghans, from accessing international protection in some cases. Media reports alleged authorities executed pushbacks back to Iran of individuals trying to access Turkey, with no opportunity provided to access the asylum procedures, deportation proceedings, or the right to appeal deportation as provided in the law. UNHCR continued to engage with Turkish authorities to support the implementation of the legal framework that provides for access to international protection, in line with relevant national and international commitments.

Access to Asylum: The law provides for standard treatment of asylum seekers countrywide and establishes a system of protection, but it limits rights granted in the 1951 Refugee Convention to refugees from Europe and establishes restrictions on movement for conditional refugees. While non-European asylum seekers were not considered refugees by law, the government granted temporary protection status to nearly four million Syrians and provided international protection to asylum seekers of other nationalities. Individuals recognized by the government for temporary protection (Syrians) or international protection (all other non-Europeans, for example, Iraqis, Iranians, and Somalis) were permitted to reside in the country temporarily until they could obtain third-country resettlement.

The law provides regulatory guidelines for foreigners’ entry into, stay in, and exit from the country, and for protection of asylum seekers. The law does not impose a strict time limit to apply for asylum, requiring only that asylum seekers do so “within a reasonable time” after arrival. The law also does not require asylum seekers to present a valid identity document to apply for status.

UNHCR reported it had regular access to removal centers where foreigners, including persons under temporary and international protection, were detained.

UNHCR continued to work together with the government to ensure access to asylum procedures for persons in need of protection, including through access to information, interpretation, and legal aid. A 2016 agreement between the EU and Turkey allowed some migrants arriving in Greece to be returned to Turkey in particular circumstances, but the Turkish government has not accepted any returns under this framework since the COVID-19 pandemic began.

The country's borders with Syria and Iraq remained strictly managed, with admissions only for medical, humanitarian, and family reunification cases from the border with Syria since late 2015. Of the 20 border crossing points between Syria and Turkey, as of December 2020, five were open for limited humanitarian, commercial, and individual crossings, and four additional gates required permission from authorities for all movements. Of the five open crossings, one permitted UN humanitarian cargo to transit the border. During the first half of the year, a second border crossing, which had previously allowed UN humanitarian movements, prohibited such crossings beginning in July per UN Security Council Resolution 2533.

Since 2017 some provinces along the border with Syria limited registration of asylum seekers to certain exceptional cases only, limiting their ability to obtain access to social services, including education and medical care in these areas, unless they relocate to a city where they can register. Large cities such as Istanbul and Ankara also limited registration. Many asylum seekers reported that in order to find work or be with their families, they either did not register or moved from the city where they had registered, neither of which was allowed under the country's regulations but was often necessary to survive without depending on humanitarian or government assistance.

Refoulement: Authorities generally offered protection against refoulement to all non-European asylum seekers who met the definition of a refugee in the 1951 UN Refugee Convention, although there were some confirmed cases of refoulement. The government continued efforts to deport those it claimed entered the country illegally, particularly non-Syrians, as well as those it deemed to pose security threats before they were granted status-determination interviews by Turkish migration authorities.

As of September 30, UNHCR intervened in incidents of detention of 1,160 persons of various nationalities that had been brought to its attention. The majority were Syrian nationals (710 persons), Afghans (219 persons), and Iranians (150 persons). Of those known incidents of detention in which UNHCR intervened, two persons were reportedly returned, against their will, to their country of origin. Information concerning individuals who were reportedly no longer in the country could not be verified.

In incidents of administrative detention of which UNHCR was made aware, the reasons for detention related to violations of provisions of the Law on Foreigners and International Protection (including but not limited to irregular stay, lack of foreigners' identity card due to not complying with the obligations of registration procedures, being in another city without authorization, working without a permit, entry ban, rejection of request for temporary protection), or criminal acts.

UNHCR typically intervened in incidents of detention when there were concerns detained individuals were unaware of or unable to access the appropriate administrative processes to raise potential protection concerns. In October the PMM announced it would deport seven Syrian refugees because of their provocative social media posts; the Syrians had posted videos of themselves eating bananas in response to a Turkish citizen's comment that he could not afford to buy bananas because of the poor economy, while alleging Syrian refugees were buying the fruit "by the kilo." Refugee rights NGOs criticized the government's decision as "illegal," arguing that "provocative social media posts" cannot be ground for deportation under the law.

Abuse of Migrants and Refugees: Due to strict border control measures as well as intercity travel bans through June 1 due to COVID-19, migration into and through the country remained low in the first half of the year; however, stricter controls increased the danger for migrants and refugees attempting to travel.

After the fall of Kabul to the Taliban in August contributed to fears of a possible refugee influx to Turkey, authorities engaged in pushbacks, including multiple reports by international media of alleged violence and forced returns to Iran of Afghans and other asylum seekers attempting to enter the country.

While conditions in the border area between Greece and Turkey were calmer than in early 2020, migrants and asylum seekers still experienced severe mistreatment when attempting to cross the border. Amnesty International alleged the country violated the rights of migrants and asylum seekers on the border by encouraging some persons to attempt to cross the border again and by failing to rescue those stranded in the river in a timely manner. International media and UN agencies also documented similar mistreatment of migrants and asylum seekers in the Aegean Sea between Greece and Turkey.

In September, one UN agency reported eight migrants died in Turkish waters while trying to cross the sea into Europe from Turkey. There were 43 deaths recorded along the Greece-Turkey land border, according to the agency, of which 36 were drownings in the Meric River; three other migrants were found dead in forests, two died from traffic accidents, and two others were beaten or shot dead.

A total of 21 civil disturbance incidents involving refugees were reported by media in 2020, an increase from nine such incidents reported in 2019. Tensions escalated in the Ankara neighborhood of Altindag following the death in August of an 18-year-old Turkish national who was wounded in a fight between Turkish and Syrian youths. This incident prompted hundreds of individuals to gather in the neighborhood, where they attacked Syrians' homes and businesses and shouted nationalist slogans. At least six Syrian refugees were injured. Authorities deployed more than 1,000 police officers to the district. According to Ankara law enforcement authorities, police detained nearly 150 individuals in the following days for instigating violence on social media and participating in the riots. Some were subsequently arrested.

Workplace exploitation, child labor, and forced early marriage also remained significant problems among refugees. Human rights groups alleged conditions in detention and removal centers sometimes limited migrants' rights to communication with and access to family members, interpreters, and lawyers.

UN agencies reported there were LGBTQI+ asylum seekers and conditional refugees in the country – most coming from Iran, Afghanistan, and Iraq – and LGBTQI+ individuals from Syria under temporary protection status. According to human rights groups, these refugees faced discrimination and hostility from both

authorities and the local population due to their status as members of the LGBTQI+ community. Many experienced gender-based violence. Commercial sexual exploitation also remained a significant problem in the LGBTQI+ refugee community, particularly for but not limited to transgender persons.

Freedom of Movement: Authorities assigned non-Syrians to one of 62 “satellite cities,” where they were expected to receive services from local authorities under the responsibility of provincial governorates. These international protection applicants and status holders were required in some provinces to check in with local authorities on either a weekly or biweekly basis and needed permission from local authorities to travel to cities other than their assigned city, including for meetings with UNHCR or resettlement-country representatives, which the government generally provided. Syrians under temporary protection were also restricted from traveling outside provinces listed on their registration cards without permission. International protection applicants and status holders and temporary protection beneficiaries could request permission to travel or to transfer their registration through the PMM. Certain provinces did not accept travel permission requests or transfer of registration.

The PMM operated seven refugee camps, which the government called temporary accommodation centers, in five provinces. As of early December 2020, there were nearly 60,000 Syrians in the accommodation centers, a slight decline from the previous year. While more than 98 percent of Syrians under temporary protection live integrated in communities across the country’s 81 provinces, some Syrians elected to remain in the camps, usually because they were elderly, had disabilities, or felt they might not successfully transition to living outside the camps. Syrians living in camps required permission from camp authorities to leave the camps.

Employment: The law allows both international protection applicants and status holders (mostly non-Syrians) and temporary protection beneficiaries (mostly Syrians) the right to work, provided they were registered for six months in the province where they wished to work. Most did not have access to regular or skilled work. Conditions further deteriorated during the COVID-19 pandemic as overall unemployment rates in the country rose sharply. In addition, applying for a work permit was the responsibility of the employer, and the procedure was sufficiently burdensome and expensive that relatively few employers pursued

legally hiring anyone who required a special permit. The vast majority of both international protection applicants and status holders and temporary protection beneficiaries remained without legal employment options, leaving them vulnerable to exploitation, including illegally low wages, withholding of wages, and exposure to unsafe work conditions. As of 2019 only an estimated 140,319 Syrians in the country had formal work permits according to the Ministry of Labor and Social Security.

Access to Basic Services: International protection applicants and status holders lose access to subsidized health care after one year residing in the country. Individuals meeting certain conditions, such as documented chronic conditions or those older than a specific age, could apply for an exemption to be placed back under subsidized care coverage. Temporary protection beneficiaries (3.7 million) continued to receive free access to the public-health system. The government also expanded access to education for school-age Syrian children, many of whom encountered challenges overcoming the language barrier, meeting transportation or other costs, or both.

As of June the Ministry of National Education reported that 771,458 of the school-age refugee children in the country were in school, a significant increase from prior years. More than 400,000 remained out of school. According to UNICEF since 2017, a total of 700,097 refugee children received monthly cash assistance for education through the Conditional Cash Transfer for Education Program for Syrians and other refugees, implemented through a partnership among the Ministry of Family and Social Services, the Ministry of National Education, the Turkish Red Crescent and UNICEF, and funded by international donors.

Provincial governments, working with local NGOs, were responsible for meeting the basic needs of international protection applicants and status holders and temporary protection beneficiaries present in their districts. Basic services were dependent on local officials' interpretation of the law and their resources. Governors had significant discretion in working with asylum seekers and NGOs, and the assistance provided by local officials to vulnerable persons varied widely. NGO staff members reported individual cases of refugees being refused health-care services.

Children of unregistered migrants, including asylum seekers, were unable to attend Turkish schools, leaving many in vulnerable situations. Some NGOs also reported some local authorities started to enforce residency requirements for registered refugees, refusing to enroll children in school if outside their place of residency in Turkey and thereby contributing to school dropouts.

Durable Solutions: The law does not provide for naturalization or resettlement within the country for international protection applicants and status holders or temporary protection beneficiaries, but it allows them to stay until resettled to a foreign country or able to return to their country of origin. Temporary protection beneficiaries or international protection status holders could only access naturalization through marriage to a Turkish citizen or through an exceptional circumstances allowance. According to a December 2019 Ministry of Interior statement estimate (the most recent estimate available), 110,000 Syrian nationals had been granted Turkish citizenship. The statement did not specify the timeline nor the process for having obtained the Turkish citizenship.

As of October 25, UNHCR, in cooperation with the PMM, observed the spontaneous voluntary return interviews of 18,700 Syrian individuals in 15 provinces, where 90 percent of the refugee population resided. The total number of voluntary return interviews observed by UNHCR since 2016 was close to 120,000 individuals. UNHCR could not confirm the authorities' estimate for voluntary returns to Syria. Through June the PMM suspended voluntary repatriation due to COVID-19 measures. Amnesty International reported in September that former refugees who returned voluntarily to Syria were subjected to detention, disappearance, and torture, including sexual violence.

UNHCR continued to work closely with Turkish authorities as well as resettlement countries to identify, assess, and process refugees for resettlement considerations. Due to the pandemic and related restriction of movement, the PMM facilitated UNHCR interviews of refugees by providing government facilities across the country, enabling resettlement processing to continue, with the required COVID-19 prevention measures and also remotely, when needed, through most of the first half of the year. As of August 31, a total of 5,607 refugees were submitted for resettlement and 4,666 refugees departed the country for resettlement.

g. Stateless Persons

The government did not keep figures for stateless persons. The government provided documentation for children born to international protection applicants and status holders and temporary protection beneficiaries, although statelessness remained an increasing concern for these children, some of whom could receive neither Turkish citizenship nor documentation from their parents' home country. As of October there were 508,513 Syrian children younger than age four in the country, according to the PMM.

Section 3. Freedom to Participate in the Political Process

Although the constitution and law provide citizens the ability to change their government through free and fair elections based on universal and equal suffrage conducted by secret ballot, the government restricted equal competition and placed restrictions on the fundamental freedoms of assembly and expression (see section 2.b., Freedom of Assembly). The government restricted the activities of opposition political parties, leaders, and officials, including through police detention. Several parliamentarians remained at risk of possible prosecution after parliament lifted their immunity in 2016.

Elections and Political Participation

Recent Elections: In 2018 the country held early parliamentary and presidential elections that originally had been scheduled for late 2019. The elections completed a constitutional amendment process that began with the 2017 national referendum, the passing of which initiated the country's official transition from a parliamentary system to a presidential one. The campaign and election both occurred under a state of emergency that had been in place since 2016 and that granted the government expanded powers to restrict basic rights and freedoms, including those of assembly and speech. While most candidates generally were able to campaign ahead of the elections, the HDP's presidential candidate remained in prison during the campaign and the candidate for the IYI (Good) Party faced a de facto media embargo. Despite the ability to campaign, the observation mission of the Organization for Security and Cooperation in Europe (OSCE) noted the elections were held in an environment heavily tilted in favor of the president and the ruling

party, stating, “The incumbent president and his party enjoyed a notable advantage in the campaign, which was also reflected in excessive coverage by public and government-affiliated private media.”

Media coverage of the 2018 parliamentary and presidential candidates similarly overwhelmingly favored the president and ruling party. For example, according to a member of the Radio and Television Supreme Council, between May 14 and May 30 of 2018, Turkish Radio and Television broadcast 67 hours of coverage on President Erdogan, seven hours on CHP candidate Muharrem Ince, 12 minutes on IYI candidate Meral Aksener, eight minutes on Felicity Party candidate Temel Karamollaoglu, and no coverage of HDP candidate Selahattin Demirtas. Many opposition parties relied instead on social media to connect with supporters.

The period between the April 2018 announcement of early elections and the vote saw several attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Violence most targeted the HDP and its campaigners. Opposition party members faced frequent accusations from the highest levels of government of alleged terrorism-related crimes. Several opposition candidates for parliament continued to face legal charges in connection with such claims, and HDP presidential candidate Demirtas was in prison during the campaign. The OSCE noted that key amendments were adopted within months of the early elections without consultation and were perceived as favoring the ruling party.

There were allegations of electoral irregularities primarily in the east, which some tied to unanticipated levels of success for the AKP and associated parties.

In March 2019 the country held municipal elections for thousands of seats, ranging from local neighborhood council seats to metropolitan mayors. The campaign occurred in a media environment that was heavily biased in favor of the government. Progovernment outlets and ruling party incumbents criticized opposition leaders and candidates by alleging they had links to terrorism.

Council of Europe observers stated the elections were conducted in a technically sound and orderly manner but noted that a genuinely democratic election also needed a political environment with genuine freedom of expression, media

freedom and equal access to all parties, and a fair and reasonable legal framework overseen by a robust judiciary.

After the Supreme Electoral Council (YSK) initially declared opposition candidate Ekrem Imamoglu the winner of the March 2019 mayoral race in Istanbul, the YSK ordered a rerun of the race in response to ruling party claims of election irregularities. The rerun decision attracted criticism from the European Commission, the Council of Europe, and many others, who asserted the YSK made the decision in a highly politicized context and under pressure from the presidency. In June 2019 Imamoglu won the election re-run and assumed office. The municipal campaigns and elections occurred in an environment of restricted basic rights and freedoms, including those of assembly and speech. While most candidates were generally able to campaign ahead of the elections, government officials threatened multiple candidates and party leaders with criminal charges. For example, a prosecutor revived a resolved legal case against the opposition candidate for Ankara mayor, Mansur Yavas; and President Erdogan publicly raised doubts regarding Yavas's ability to fulfill his term should he be elected mayor because of the pending case. In September 2019 the court acquitted Yavas. The YSK unseated some winners of the 2019 municipal elections, including six winning HDP mayors, by finding them ineligible to serve after it had initially cleared their eligibility for candidacy.

All parties alleged irregularities in the voter lists, which they complained included “ghost voters” (one “ghost” registrant was older than 130) or legally deceased individuals, and suspicious residency claims.

Media coverage overwhelmingly favored the candidates of the ruling party and its coalition and election ally, the Nationalist Movement Party. For example, according to a member of the national broadcasting regulator during the 57-day period prior to the elections, state-run Turkish Radio and Television devoted 150 hours of coverage to the AKP, 50 hours to the CHP, and three hours to the HDP. Many opposition parties relied instead on social media to connect with supporters.

The pre-election period saw several attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Opposition party members faced frequent accusations from the highest levels of

government of alleged terrorism-related crimes. In April 2019 a crowd assaulted CHP chair Kemal Kilicdaroglu during the funeral ceremony for a soldier killed by the PKK. The attack followed statements by President Erdogan and the chair of AKP's parliamentary alliance partner, the Nationalist Movement Party, accusing the CHP of sympathizing and collaborating with "PKK terrorists" during the municipal election campaigns due to its affiliation with the HDP. In February prosecutors filed an indictment against 21 individuals involved in the attack.

Political Parties and Political Participation: In parliament 14 political parties held seats, and others were able to participate in elections. Some parties enjoyed greater advantages than others. Media influence favored the ruling party and its alliance partner, the Nationalist Movement Party. Representatives expressing views critical of the government or President Erdogan have faced criminal or civil charges. HDP representatives faced significant legal challenges to their ability to campaign, express opinions, and retain their mandate. The party faced a closure suit brought by the government. The government used opposition leaders' social media postings to file criminal and civil complaints against them, alleging the defendants insulted the president and spread terrorist propaganda.

In March prosecutors filed a lawsuit to close the HDP, the third-largest party in parliament, and ban 687 HDP members from politics for five years. The Constitutional Court returned the indictment due to procedural deficiencies. In June the Constitutional Court accepted an amended indictment. The updated indictment sought political bans for 451 HDP members, including the party's top leaders. The indictment alleged the HDP provided support to the PKK. The case was ongoing at year's end.

During the year restrictive government regulations constrained the ability of many among the opposition to conduct political activities such as organizing protests or political campaign events and sharing critical messages on social media. In February police blocked HDP cochair Pervin Buldan from holding a press conference at a border gate in Van Province, citing COVID-19 measures. Police stopped Buldan and her delegation from proceeding to the gate and blocked journalists from recording the incident.

The government also suspended democratically elected mayors in multiple cities

and municipalities in the southeast and in their place assigned state “trustees” when the former were accused of (but not necessarily convicted of) affiliation with terrorist groups. The government most commonly directed these tactics against politicians affiliated with the leftist pro-Kurdish HDP and its partner, the Democratic Regions Party. The government suspended 81 percent of HDP mayors elected in the March 2019 municipal elections. Since 2016 the government has removed 88 percent of elected HDP officials. Former HDP cochairs Demirtas and Figen Yuksekdag remained in prison (see section 1.e., Political Prisoners and Detainees).

The HDP blamed intensified government rhetoric linking the HDP with PKK terrorism for provoking armed attacks on HDP offices. In June an assailant shot and killed Deniz Poyraz, the daughter of an HDP volunteer at a party office in Izmir. The assailant claimed he would have harmed more individuals had they been present and stated he was motivated by hatred for the PKK. The family of Deniz Poyraz filed a criminal complaint against police officers, alleging that they received security intelligence regarding the attack but failed to prevent it.

In July an assailant entered the HDP office in Marmaris early in the morning and fired more than 100 shots. In December an assailant attacked an HDP office in Istanbul, wounding two employees with a knife. Police arrested suspects in all three cases. Four others allegedly involved in the Marmaris attack were detained and released shortly thereafter under judicial control.

Shortly following the attack on HDP offices in Izmir, police detained two persons for throwing Molotov cocktails at an AKP office in Diyarbakir and four for a similar attempted attack in Agri. Some AKP officials attributed the attacks to retaliation for preceding attacks on HDP offices.

Opposition party officials reported difficulty raising campaign donations from individuals and businesses, which reported they feared reprisals from the government. Some company employees seen by their management as supporting opposition parties, especially the HDP, claimed they faced adverse treatment, including termination of employment.

Participation of Women and Members of Minority Groups: No laws limit the

participation of women or members of minority groups in the political process. Some individuals advocating for political rights or associated with the HDP, however, experienced increased government pressure or were accused of ties to the PKK. According to the Association to Support Women Candidates, the number of women participating in the 2019 municipal elections as candidates at the mayoral, district mayoral, and metropolitan city levels was between 7.5 percent and 8.5 percent. For example, 652 of 8,257 (7.9 percent) mayoral candidates in the 2019 elections were women. Of the 1,389 newly elected mayors at the district level or higher, 37 were women. The number of women in the judiciary also remained disproportionately low. As of January, 36 percent of judges and prosecutors were women. As of year's end, there were 101 women in the 600-member parliament. The greatest number of elected female mayors were in the southeast and ran on leftist and pro-Kurdish party tickets.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for conviction of official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. Parliament entrusts the Court of Accounts, the country's supreme audit institution, with accountability related to revenues and expenditures of government departments. Outside this audit system, there was no dedicated regulator with the exclusive responsibility for investigating and prosecuting corruption cases and there were concerns regarding the impartiality of the judiciary in the handling of corruption cases. According to Transparency International, the public procurement system has consistently declined in transparency and competitiveness, with exceptions to the Public Procurement Law widely applied.

While opposition politicians frequently accused the ruling party of corruption, there were only isolated journalistic or official investigations of government corruption during the year. Journalists and civil society organizations reported fearing retribution for reporting on corruption issues. Authorities continued to pursue criminal and civil charges against journalists reporting on corruption allegations. Courts and RTUK regularly blocked access to press reports regarding

corruption.

In May the state-run Anadolu Agency fired reporter Musab Turan after he asked government officials about corruption allegations against Minister of Interior Suleyman Soylu during a press conference. Anadolu Agency issued a statement that Turan was fired for lacking “journalistic principles” and propagating “political propaganda.” The statement also said that Anadolu requested that prosecutors open a terrorism investigation into Turan. Fahrettin Altun, the presidency’s communications director, wrote on Twitter, “Those who seek to harm the respectability of our state will pay the price.”

Corruption: There were several credible press allegations of corruption throughout the year. For example, in June the opposition-leaning *Cumhuriyet* published a series of reports on the conclusions of an Istanbul Metropolitan Municipality probe into corruption allegations of excessive public spending on projects benefiting the Turkey Youth Foundation (TUGVA), which was closely linked to ruling AKP figures. Under prior AKP leadership, Istanbul municipal officials reportedly colluded with the public-housing authority KIPTAS in a series of opaque real estate transactions apparently aimed at avoiding open bidding. One such deal saw a contract for a public cultural center repurposed for use by TUGVA. TUGVA and another AKP-linked foundation were also allocated municipal luxury cars and toll passes. Investigators estimated the total losses to the public at approximately \$1.6 billion. Istanbul mayor Ekrem Imamoglu directed municipality officials to initiate the probe when he took office in 2019. The Ministry of the Interior took over the investigation in December 2020 after which progress appeared to have stalled.

In October a former TUGVA employee leaked to a journalist documents suggesting the government allocated thousands of state-owned dormitory buildings for exclusive use by TUGVA members and channeled generous subsidies to TUGVA and other AKP-aligned foundations via state-owned banks. The whistleblower also shared purported lists of TUGVA-nominated candidates for jobs within the police, judiciary, and military. TUGVA officials denied the authenticity of the documents. RTUK fined opposition Halk TV for its coverage of the allegations regarding TUGVA.

In April authorities investigated accusations that seven municipalities in the southeast issued official visa-exempt passports in exchange for bribes, allowing individuals to travel to Europe. The scheme was allegedly discovered after most participants in municipality-organized visits to Germany claimed asylum while abroad and did not return to Turkey.

There were no high-profile prosecutions of officials on corruption charges during the year.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A limited number of domestic and international human rights groups operated throughout the country, although many faced continued pressure from the government during the year. Some had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations. Human rights groups reported the government was often unresponsive to their requests for meetings and did not include their input in policy formation. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights abuses occasionally faced detention, prosecution, intimidation, and harassment, and their organizations faced closure orders for their activities.

The HRA reported that its members have collectively faced a more than 5,000 legal suits since the group's establishment, of which more than 200 were active at year's end. These cases were mostly related to terror and insult charges. The HRA also reported that executives of its provincial branches were in prison. Others faced continued threats of police detention and arrest.

In March police detained a cochairman of the HRA, Ozturk Turkdogan, on terrorism charges. Police released Turkdogan under judicial control on the same day. Turkdogan reported that the charges against him were based on speeches and press statements he gave as part of his work for the HRA. The HRA noted that the detention appeared to have been retaliation for its criticism regarding the government's handling of a hostage release operation in Gara, Iraq, in February

that resulted in the death of 13 hostages. After the HRA released a statement calling for government accountability regarding the failed operation, Minister of Interior Suleyman Soyly called it “that cursed association” and falsely accused it of not condemning killings of civilians by terrorist organizations.

In September a Diyarbakir court convicted lawyer and human rights defender Nurcan Kaya of “making terrorist propaganda” for her 2014 social media posts related to Turkey’s operations in Syria, many of which criticized state violence and human rights violations. She was sentenced to one year and three months in prison in a suspended sentence. Kaya was appealing the decision at year’s end.

The harassment, detention, and arrest of many leaders and members of human rights organizations resulted in some organizations closing offices and curtailing activities and some human rights defenders self-censoring.

Some international and Syrian NGOs based in the country and involved in Syria-related programs reported difficulty renewing their official registrations with the government, obtaining program approvals, and obtaining residency permits for their staff. Some noted the government’s documentation requirements were unclear.

Government Human Rights Bodies: The Ombudsman Institution and the National Human Rights and Equality Institution serve as the government’s human rights monitoring bodies. The Ombudsman Institution operated under parliament as a complaint mechanism for citizens to request investigations into government practices and actions, particularly concerning human rights problems and personnel issues, although dismissals under the 2016-18 state of emergency decrees did not fall within its purview. The Ombudsman Institution’s mandate extends only to complaints relating to public administration. The National Human Rights and Equality Institution reviews cases outside the Ombudsman Institution’s mandate. Independent observers assessed that both institutions were not financially nor operationally independent.

In 2020 the National Human Rights and Equality Institution received 685 applications as part of the national preventive mechanism against torture and found violations in one case. Of the applications, 236 related to health rights and

conditions, 122 to physical conditions in prisons, 122 concerned mistreatment, and 98 were prison transfer requests.

The Ombudsman Institution received 90,209 applications for assistance in 2020, compared with 20,968 in 2019. Driving the increase were applications related to unfair practices at banks and financial institutions when applicants applied for economic assistance. In 75 percent of cases, the Ombudsman Institution provided advisory opinions to government institutions.

The Inquiry Commission on the State of Emergency Measures was established in 2017 to review cases and appeals related to purges and closures during the state of emergency (see section 1.e., Civil Judicial Procedures and Remedies).

The Ministry of Justice's Human Rights Department served as the ministry's lead entity on human rights issues, coordinating its work with the ministry's Victims' Rights Department. It is responsible for developing the national human rights action plan, the latest version of which was released in March. Human rights groups reported that they had limited input into the plan and expressed skepticism that it would result in substantive changes, since previous versions of the plan had not been fully implemented and did not address root issues.

Parliament's Human Rights Commission functioned as a national monitoring mechanism. Commission members maintained a dialogue with NGOs on human rights problems and conducted some prison visits, although activists claimed the commission's ability to influence government action was limited.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes gender-based violence and sexual assault, including rape and spousal rape, with penalties of two to 10 years' imprisonment for conviction of attempted sexual violation and at least 12 years' imprisonment for conviction of rape or sexual violation. Women's groups reported that the government did not effectively or fully enforce these laws or protect survivors.

Gender-based violence, including domestic and intimate partner violence, remained a serious and widespread problem both in rural and urban areas. NGOs continued to report higher rates of domestic violence reports during periodic COVID-19 lockdowns implemented throughout the year.

The We Will Stop Femicide Platform, an NGO dedicated to monitoring violence against women, estimated that men killed at least 415 women during the year, compared with 410 in 2020. Government authorities did not consistently release statistics on gender-based violence. The minister of interior stated that 266 women were killed in episodes of domestic violence in 2020.

The law requires police and local authorities to grant various levels of protection and support services to survivors of violence or those at risk of violence. It also mandates government services, such as shelter and temporary financial support, for victims and provides for family courts to impose sanctions on perpetrators.

The law provides for the establishment of violence prevention and monitoring centers to offer economic, psychological, legal, and social assistance. There were 81 violence prevention centers throughout the country, one in each province. In 2020 the Ministry of Family and Social Services reported there were 145 women's shelters nationwide with capacity for 3,482 persons. In July the minister of family and social services announced that 55,882 individuals, including 35,311 women and 20,551 children, received services from women's shelters in 2020. Women's rights advocates asserted there were not enough shelters to meet the demand for assistance and that shelter staff did not provide adequate care and services, particularly in the southeast. Shelter capacity was further reduced as a result of COVID-19 prevention requirements. Lack of services was more acute for elderly women and LGBTQI+ women as well as for women with older children.

The government operated a nationwide domestic violence hotline and a web application called the Women Emergency Assistance Notification System (KADES). In May the Ministry of Interior stated that since its inception in 2018, the KADES application had received 138,978 reports of which 73,417 were legitimate threats and that authorities had responded to each. The ministry did not specify types of response. NGOs asserted the quality of services provided in response to calls was inadequate for victims of domestic violence and that women

were at times directed to mediation centers or told to reconcile with their husbands.

In March, President Erdogan announced the country's withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention. Turkey was the first country to ratify the convention in 2012; its withdrawal from the convention became effective July 1. Women's groups strongly criticized the withdrawal, expressing concern that it would result in a weakening of protections for survivors of gender-based violence and foster impunity for perpetrators. Women's and human rights groups asserted that the withdrawal, which was accomplished by presidential decree without consulting parliament, violated the country's constitution and filed court challenges. The constitution specifies that parliament must ratify international agreements but does not address withdrawal. The Council of State, the country's top administrative court, upheld the presidential decree in November, but appeals were ongoing. Since the country's withdrawal from the convention, women's groups that worked with survivors of gender-based violence reported that they were less likely to approach authorities, believing that the withdrawal signaled a lessening of the government's commitment to aid survivors.

Government officials, including President Erdogan, stated that the country's withdrawal from the Istanbul Convention did not signal a diminished government commitment to combating gender-based violence. The Presidency's Directorate of Communications issued a statement that the withdrawal resulted from the convention's "hijack[ing]" by those "attempting to normalize homosexuality – which is incompatible with Turkey's social and family values" (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity).

In July the government released its *National Action Plan for Combatting Violence Against Women (2021-2025)*. Women's groups largely dismissed the plan as a tactical effort to stem public criticism following the Istanbul Convention withdrawal and stressed that prior action plans did little to curb the rise in gender-based violence in the country.

Courts regularly issued restraining orders to protect victims, but human rights

organizations reported police rarely enforced them effectively. According to a report compiled by the opposition CHP, courts rejected 7 percent of restraining order requests in 2020. Women's associations also charged that government counselors and police sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families.

In May, Zeynep Erdogan was stabbed and killed by her husband, Mehmet Erdogan, in Ankara. According to press and NGO reporting, Erdogan had filed multiple restraining orders against the husband, who was on trial for domestic violence against her during the time of the killing. Police arrested Mehmet Erdogan following the killing.

Courts in some cases gave reduced sentences to men found guilty of committing violence against women, citing good behavior during the trial or “unjustifiable provocation” by women as an extenuating circumstance of the crime. The criminal code allows defendants to receive a reduced sentence if the offense was committed “in a state of anger or severe distress caused by an unjust act.” For example, in May press outlets reported that a Konya court reduced the sentence of convicted felon Bekir Erol, who killed his wife, Tuba Erol, in 2019 by stabbing her 46 times. Erol initially received a life sentence with no possibility of parole. The court ruled to reduce the sentence to 18 years and four months on the grounds of “good behavior” and “unjustifiable provocation.”

Other Harmful Traditional Practices: There were occasional reports of “honor killings” of women, mainly in the southeast. In October the press reported that a man stabbed and killed his mother in public in Istanbul after the family discovered she had an affair 20 years earlier. Police arrested the suspect.

The criminal code prescribes life imprisonment for killings perpetrated with the motive of “custom,” but NGOs reported that courts often reduced actual sentences due to mitigating factors, including “unjustifiable provocation.”

Sexual Harassment: The law provides for up to five years' imprisonment for sexual harassment. If the victim is a child, the recommended punishments are longer. Women's rights activists reported, however, that authorities rarely enforced these laws.

Gender equality organizations indicated that incidents of verbal harassment and physical intimidation of women in public occurred with regularity and cited as the cause a permissive social environment in which harassers were emboldened.

Some women's rights NGOs asserted that weak legal enforcement of laws to protect women and light sentencing of violent perpetrators of crimes against women contributed to a climate of permissiveness for potential offenders. According to Ministry of Justice statistics, there were 28,083 sexual harassment cases in 2020, a significant increase from the previous year. Prosecutors did not prosecute 43 percent of the cases. In cases that went to court, the courts acquitted the accused perpetrator in 16 percent of cases, convicted and sentenced the perpetrator in 40 percent, and suspended the sentence through a verdict postponement judgement in 25 percent of the cases. The high rate of verdict postponement contributed to perceptions of impunity for sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There were no government restrictions or policies designed to prevent information on medical treatment affecting reproductive health from reaching vulnerable populations, including ethnic minorities and refugees.

The UN Population Fund determined that 11.5 percent of women in the country had unmet needs in family planning based on data from the *2018 Turkey Demographic and Health Survey* conducted by Hacettepe University's Institute of Population Studies. The survey, conducted every five years, found 97 percent of women knew of at least one family prevention method. At least 70 percent of married women reported using at least one family planning method.

An analysis of historical survey data from 2013 and 2018 by the NGO Turkish Family Health and Planning Foundation (TAPV) found that there was significant unmet demand for family planning counseling and services, particularly among older women with at least one child. Women in Northeast Anatolia, Istanbul, West Marmara, and Southeast Anatolia regions had the highest rate of unmet family planning needs in the country. TAPV concluded that the shrinking role of public health-care providers in reproductive health (vice private health-care providers)

negatively impacted accessibility to family planning resources, particularly among lower income women. Women could access contraception methods for free in government-funded primary health-care units and hospitals or from pharmacies and private practitioners for a fee.

An interview-based survey of health providers conducted by TAPV in 2020 found that the COVID-19 pandemic further limited access to contraception and family planning counseling, while the country maintained maternity services, such as pregnancy follow-ups.

A 2021 report in *BMC Women's Health* based on interviews in Istanbul found that religious factors played the leading role in women's choice of a particular family planning method, with less religious women more likely to choose modern contraception methods. The study found that religious belief did not have a direct influence on decisions of whether to employ family planning. The report also noted that men had limited involvement in family planning decision making.

Access to family planning methods and information on managing reproductive health was more difficult for many of the four million refugees in the country. A 2020 *Reproductive Health Journal* analysis of the sexual and reproductive health of Syrian refugee women stated the rate of postnatal care was inadequate. The review reported a 24 percent rate of modern contraceptive method use among all age groups of Syrian girls and women, with estimated rates of unmet family planning needs at 35 percent and only 20 percent of Syrian women having regular gynecological examinations.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape.

Discrimination: Women enjoy the same rights as men by law, but societal and official discrimination were widespread. Women faced discrimination in employment (see section 7.d.). Based on data from the Turkish Statistical Institute (TUIK), the labor participation rate for men was 78 percent and only 35 percent for women. A joint 2020 study by TUIK and the International Labor Organization (ILO) estimated the gender pay gap in the country at 15.6 percent. Women were

disproportionately affected by the COVID-19 pandemic economically.

The constitution permits measures to advance gender equality. To encourage the hiring of women, the state paid social services insurance premiums on behalf of employers for several months for any female employee older than 18. Laws introduced as a gender justice initiative provided for maternity leave, breastfeeding time during work hours, flexibility in work hours, and required childcare by large employers.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Apostolic Christians, Jews, and Greek Orthodox Christians. Other national, religious, or ethnic minorities, including Assyrians, Jaferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to fully exercise their linguistic, religious, and cultural rights. The constitution prohibits discrimination based on language, race, or color and provides for equality in the eyes of the law, but authorities did not consistently enforce these provisions.

More than 15 million citizens were estimated to be of Kurdish origin and spoke Kurdish dialects. Security force efforts against the PKK disproportionately affected Kurdish communities throughout much of the year. Some predominantly Kurdish communities experienced government-imposed curfews, generally in connection with government security operations aimed at clearing areas of PKK terrorists (see section 1.g.).

Kurdish and pro-Kurdish civil society organizations and political parties continued to experience problems exercising freedoms of assembly and association (see section 2.b.). Hundreds of Kurdish civil society organizations and Kurdish-language media outlets closed by government decree in 2016 and 2017 after the coup attempt remained shut.

The law allows citizens to open private institutions to provide education in languages and dialects they traditionally use in their daily lives, on the condition that schools are subject to the law and inspected by the Ministry of National Education. Some universities offered elective Kurdish-language courses, and five

universities had Kurdish-language departments. A survey by the Ismail Besikci Foundation of 58 academics working in Kurdish studies found that 63 percent reported practicing self-censorship in their classes and 70 percent reported practicing self-censorship in their academic research and publications.

The law allows reinstatement of former non-Turkish names of villages and neighborhoods and provides political parties and their members the right to campaign and use promotional material in any language, but this right was not protected. The law restricts the use of languages other than Turkish in government and public services.

In October police detained and released on the same day a Kurdish shop owner in Siirt Province after his comments to an opposition politician circulated in a social media video. As shown in the video, the man stated, “Our language is denied, our identity is denied, ‘Kurdistan’ is denied.” Prosecutors launched an investigation into the statements for “making propaganda of a terrorist organization.”

There were several attacks against ethnic Kurds that human rights organizations alleged were racially motivated. In July assailants shot and killed seven members of the Dedeogullari family in Konya. A mob attacked the family earlier in May. Family relatives alleged the May attack was perpetrated by ultranationalists affiliated with the extremist group the Grey Wolves. The Konya Public Prosecutor’s Office denied that the attack was racially motivated, attributing it to a long-standing dispute between the Dedeogullari and another family. Police arrested 13 suspects in connection with the killings. Prosecutors indicted 11 suspects for the killings. Their trial was ongoing at year’s end.

In September the Kiziltepe Public Prosecutor’s Office opened an investigation against JinNews reporter Oznur Deger. Deger reported that police questioned her about her reporting on the Dedeogullari family killings and social media posts regarding her Kurdish identity.

In May police arrested three persons who attacked a Kurdish family visiting the southeastern province of Mersin from Erbil, Iraq. The family alleged the assailants used anti-Kurdish slurs and the hand sign of the ultranationalist extremist group the Grey Wolves during the attack.

Romani communities reported discrimination and lack of access to education, housing, health care, and employment. Community members recounted that majority of community members do not complete formal education and as a result are unable to secure employment. Community representatives indicated that more than 90 percent of Roma were unemployed, although many had jobs in the informal economy.

The government adopted a national Romani strategy in 2016 but underfunded the initiative. Romani advocates complained there was little concrete advancement for Roma. They also reported that Romani communities were particularly hard hit by the COVID-19 pandemic and that the national government did little to provide economic assistance to the communities, particularly since most Roma worked in the informal economy as garbage collectors, flower vendors, and musicians who perform at restaurants or social events. With the imposition of restrictions aimed at slowing the spread of COVID-19 by enforcing social-distancing precautions, many Roma found themselves cut off from their livelihoods and without access to the social safety net available to those who could apply for unemployment benefits. Community representatives reported that some families lost housing and utilities due to inability to pay their bills. For instance, 60 families in Izmir relocated to a tent camp after being evicted from their apartments. Romani children also faced difficulty accessing distance education during the COVID-19 pandemic. The government did not compensate Roma forcefully removed from tent cities in Cesme in 2020.

Armenian minority groups reported hate speech and coded language directed against the Armenian community, including from high-level government officials. The Armenian Patriarchate reported receiving anonymous threats around Armenian Remembrance Day.

In April independent parliamentarian Umit Ozdag threatened Garo Paylan, an HDP member of parliament and ethnic-Armenian Turk, after Paylan criticized the fact that streets and schools were still named after Talat Pasha, the Ottoman Empire's minister of interior during the Armenian genocide. Ozdag responded, "Talat Pasha didn't expel patriotic Armenians but those who stabbed us in the back like you. When the time comes, you'll also have a Talat Pasha experience, and you should have it."

Children

Birth Registration: There was universal birth registration, and births were generally registered promptly. A child receives citizenship from his or her parents, not through birth in the country. Only one parent needs to be a citizen to convey citizenship to a child. In special cases in which a child born in the country may not receive citizenship from any other country due to the status of his or her parents, the child is legally entitled to receive citizenship.

Education: Human rights NGOs and others expressed concern that despite the law on compulsory education and the progress made by the nationwide literacy campaign launched in 2018, some families were able to keep female students home, particularly in religiously conservative rural areas, where girls often dropped out of school after completing their mandatory primary education. The reliance on online education platforms during COVID-19 lockdowns in the 2020-21 school year negatively affected both boys and girls from socioeconomically disadvantaged families lacking internet access and further exacerbated learning inequalities. In May the Education and Science Workers' Union (Egitim Sen) reported that four million students were not able to access distance education during the previous school year. In a survey, 44 percent of the teachers interviewed by the union said the attendance rate in their classes was less than 20 percent. According to the Turkish Statistical Institute 2020 data, 98 percent of men and 87 percent of women had a primary education, while 50 percent of men and 38 percent of women had a secondary education. A total of 20 percent of men and 17 percent of women had a postsecondary education.

Although the government officially allows the use of Kurdish in private education and in public discourse, it did not extend permission for Kurdish-language instruction to public education. The Turkish constitution prohibits any language other than Turkish to be taught “as a mother tongue.”

Child Abuse: The law authorizes police and local officials to grant various levels of protection and support services to children who are victims of violence or to those at risk of violence. Nevertheless, children's rights advocates reported inconsistent implementation and called for expansion of support for victims. The law requires the government to provide services to victims, such as shelter and

temporary financial support, and empowers family courts to impose sanctions on those responsible for the violence.

By law if the victim of abuse is between the ages of 12 and 18, molestation results in a sentence of three to eight years in prison, sexual abuse in a sentence of eight to 15 years' imprisonment, and rape in a sentence of at least 16 years' imprisonment. If the victim is younger than 12, conviction of molestation results in a minimum sentence of five years' imprisonment, conviction of sexual abuse a minimum of 10 years' imprisonment, and conviction of rape a minimum of 18 years' imprisonment.

According to Ministry of Justice statistics, courts opened 22,497 legal cases related to child sexual abuse and sentenced 12,064 persons to imprisonment for child sexual abuse in 2020. Child advocates stated that reports of child abuse increased during COVID-19 pandemic lockdowns and school closures.

Child, Early, and Forced Marriage: The law defines 18 as the minimum age for marriage, although children may marry at 17 with parental permission and at 16 with court approval. The law acknowledges civil and religious marriages, but the latter were not always registered with the state.

Comprehensive statistics on child, early, and forced marriage were unavailable because the marriages often took place unofficially. NGOs reported children as young as 12 married in unofficial religious ceremonies, particularly in poor and rural regions and among the Syrian community in the country. Early and forced marriage was particularly prevalent in the southeast, and women's rights activists reported the problem remained serious. A study of child, early, and forced marriage by the UN Population Fund and Hacettepe University released in December 2020 found that the proportion of women who had married before the age of 18 in the 20-to-24 age group declined between 1993 and 2008. The decline did not continue between 2008 and 2018, however, and the rate of child, early, and forced marriage increased in West Marmara, Aegean, Mediterranean and Southeast Anatolia regions. In 2020 according to the Turkish Statistical Institute, 4.6 percent of women between the ages of 20 and 24 were married before age 18.

Human rights organizations reported that during the COVID-19 pandemic there

were incidences of families “selling” girls for marriage to Turkish men as an economic coping mechanism. Hacettepe University’s *2018 Demographic and Health Survey* showed that 12 percent of Syrian girls in the country married before the age of 15 and 38 percent married before the age of 18. Local NGOs worked to educate and raise awareness among individuals in the Turkish and Syrian populations in southeastern provinces.

Women’s rights groups stated that there were instances of forced marriages and bride kidnapping, particularly in rural areas, although the practices were not widespread.

Sexual Exploitation of Children: The constitution requires the state to take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. The penalty for conviction of encouraging or facilitating child commercial sexual exploitation is up to 10 years’ imprisonment; if violence or pressure is involved, a judge may double the sentence. The government did not publish data on rates of sexual exploitation of children.

NGOs such as ECPAT noted that young Syrian female refugees were particularly vulnerable to being exploited by criminal organizations and pressured into sex work, and this practice was particularly prevalent among adolescent girls.

The age of consent for sex is 18. The law prohibits producing or disseminating child pornography and stipulates a prison sentence of up to two years as well as a fine for violations. The law provides prison sentences of up to five years for incest.

Displaced Children: Many women’s and migrant rights NGOs reported that displaced children, mostly Syrian, remained vulnerable to economic and sexual abuse.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

According to the Chief Rabbinate in Istanbul, approximately 16,000 Jews lived in the country. Some members of the community continued to emigrate or seek to obtain citizenship in a second country, in part due to concerns regarding anti-Semitism.

Jewish citizens expressed concern regarding anti-Semitism and security threats. Anti-Semitic rhetoric continued in print media and on social media throughout the year, increasing during the outbreak of conflict in West Bank and the Gaza strip in May. Addressing Israeli airstrikes in Gaza, President Erdogan deployed anti-Semitic rhetoric, stating, “They [Israelis] are murderers, to the point that they kill children who are five or six years old. They are only satisfied by sucking their blood.” Turkish officials denied that the statement was anti-Semitic.

In July, Huseyin Hakki Kahveci, a writer and journalist, linked the massive wildfires in Turkey to Rabbi Mendy Chitrik, the chair of the Alliance of Rabbis in Islamic States. Kahveci wrote on Twitter that the location of the fires corresponded to the rabbi’s route as part of his travel for a Jewish heritage project. He wrote, “Rabbis know Kabbalah-Black Magic well.” The Turkish Jewish Community, a foundation representing the Jewish community, announced that it would file a criminal complaint against Kahveci.

To combat anti-Semitism and Holocaust distortion, the government continued to commemorate International Holocaust Remembrance Day in January, with the Ministry of Foreign Affairs issuing a statement for the occasion. The Presidency’s Directorate of Communications established a website dedicated to the memory of victims of the Holocaust and other genocides. The website included video messages from President Erdogan, the chief rabbi, and the president of the Turkish Jewish Community. In March the government donated \$36,000 to the Auschwitz-Birkenau State Museum in Poland.

In February the government for the sixth year in a row commemorated the nearly 800 Jewish refugees who died aboard the Struma, a ship that sank off the coast of Istanbul in 1942. The governor of Istanbul, Chief Rabbi Haleva, other members of the Jewish community, and members of the diplomatic community attended the

commemoration. As in previous years, President Erdogan issued public messages in celebration of the Jewish holidays of Passover, Rosh Hashanah, and Hanukkah.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress, released publicly in July 2020, provides details on the country's history during the Holocaust and activities for Holocaust restitution, remembrance, education, and archival access (see <https://www.state.gov/reports/just-act-report-to-congress/>).

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law requires all governmental institutions and businesses to provide persons with disabilities access to public areas and public transportation and allows for the establishment of review commissions and fines for noncompliance. Government guidelines required official information materials to be provided in accessible formats. The law requires that transit on public transportation be provided free of charge to persons with disabilities. The government, however, made limited progress implementing the law, and access in many cities remained restricted. The COVID-19 pandemic exacerbated service accessibility problems for individuals with disabilities, particularly in the health sector.

The law prohibits discrimination against persons with disabilities, but NGOs that advocate for persons with disabilities asserted the government did not enforce the law effectively.

The Ministry of Family and Social Services is responsible for protecting persons with disabilities. The ministry maintained social service centers assisting marginalized individuals, including persons with disabilities. Most children with disabilities were enrolled in mainstream public schools; others attended special education centers.

According to Ministry of Family and Social Services data, the public sector

employed 62,337 persons with disabilities as of December. Some NGOs representing persons with disabilities reported delays in appointment of candidates with disabilities to government positions. In June a group called the Platform for Disabled Teachers Waiting for Appointment staged protests in Ankara demanding the immediate appointment of thousands of teachers with disabilities whose appointments were delayed due to COVID-19.

The private sector employed approximately 100,000 of the two and a half million citizens with disabilities qualified for work. An employment quota requires private-sector companies with more than 50 employees to include at least 3 percent representation in their workforce of employees with disabilities. The public-sector quota is 4 percent. There was no information available on the implementation of fines for accountability.

The law requires all public schools to accommodate students with disabilities, although activists reported instances of such students being refused admission or encouraged to drop out of school. According to disability activists, a large number of school-age children with disabilities did not receive adequate access to education, a situation aggravated by distance learning implemented as a COVID-19 precaution. NGOs reported that public distance-education programs created to enable distance learning under COVID-19 did not provide sign interpretation or subtitles for hearing impaired students. According to a June report by the Ministry of Family and Social Services, during the 2019-20 school year (the latest period for which data was available), 425,774 students with disabilities were in school, with 318,300 studying in regular schools and the remainder in either state-run or privately owned special education schools or classes. A Ministry of Family and Social Services program allowed individuals with autism to stay in government-run houses and offered state resources to families who were unable to attend to all the needs of their autistic children.

HIV and AIDS Social Stigma

Many persons with HIV and AIDS reported discrimination in access to employment, housing, public services, benefits, and health care. Rights organizations noted that the country lacked sufficient laws protecting persons with HIV and AIDS from discrimination and that there were legal obstacles to

anonymous HIV testing. Due to pervasive social stigma against persons with HIV and AIDS, many individuals avoided testing for HIV due to fear the results would be used against them. Human rights advocates reported that some employers required HIV/AIDS testing prior to employment to screen positive applicants. HIV-positive individuals also reported issues in receiving exemption from compulsory military service. In September the Pozitif-iz Association reported that it received 42 complaints of human rights abuses in 2020, the majority related to health service-provider discrimination (52 percent) followed by employment discrimination (31 percent). The NGO reported instances of doctors citing COVID-19 prevention measures, such as government guidance to postpone elective procedures, as an excuse to deny treatment to HIV-positive individuals.

The government implemented an HIV/AIDS control program for 2019-24 to raise awareness and combat risk factors. The government also incorporated HIV/AIDS education into the national education curriculum.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

During the year LGBTQI+ individuals experienced discrimination, intimidation, and violent crimes. Human rights groups reported that police and prosecutors frequently failed to pursue cases of violence against LGBTQI+ persons or accepted justification for perpetrators' actions. Police rarely arrested suspects or held them in pretrial detention, as was common with other defendants. When arrests were made, defendants could claim "unjustifiable provocation" under the penal code and request a reduced sentence. Judges routinely applied the law to reduce the sentences of persons who killed or assaulted LGBTQI+ individuals. Courts of appeal previously upheld these verdicts based in part on the "immoral nature" of the victim. LGBTQI+ advocates reported police detained transgender individuals engaged in sex work and that courts and prosecutors created an environment of impunity for attacks on transgender persons involved in sex work.

In March a Syrian transgender woman was severely injured and lost one eye after a hydrochloric acid attack in Istanbul. An Istanbul court initially sentenced the perpetrator, the victim's former boyfriend, to 11 years in prison for the attack, but it subsequently reduced the sentence to six years on the grounds of "unjustifiable

provocation.” Friends of the victim alleged that hospital staff expressed homophobic attitudes towards the victim.

Numerous LGBTQI+ organizations reported a continued sense of vulnerability as restrictions on their freedom of speech, assembly, and association continued. NGOs reported that police targeted LGBTQI+ individuals using disproportionate force while intervening in demonstrations. University officials limited LGBTQI+ students’ ability to organize and stage pride events.

Human rights activists attributed what they assessed to be increased public anti-LGBTQI+ sentiment and incidence of violence against LGBTQI+ individuals to an uptick in anti-LGBTQI+ rhetoric by government officials amplified through progovernment media.

Government officials increased the targeting of the LGBTQI+ community after an art exhibit staged by students during the Bogazici University protests in January that displayed a picture of the Muslim holy site, the Ka’aba, with superimposed rainbow flags (see section 1.c.). Government officials baselessly blamed the LGBTQI+ community for the exhibit. Minister of Interior Soylu tweeted, “Four LGBT perverts were detained for disrespecting the Ka’aba at Bogazici University.” In a February 2 interview, Soylu alleged that Western countries were spreading the LGBTQI+ “movement” to Turkey to destroy its values by funding LGBTQI+ organizations in the country. President Erdogan told AKP party members, “God willing, we will bring our youth to the future, not as the LGBT youth, but as the youth in the nation’s glorious history. You are the youth on the keyboards of computers, you are not the LGBT youth. You are not a youth that vandalizes; on the very contrary, you are a youth making the broken hearts stand on their feet again.”

Police detained seven students associated with the exhibit and raided the LGBTQI+ student club on the Bogazici University campus. The students continued to face charges of “inciting hatred and insulting religious values” at year’s end. Police confiscated pride flags and banners during the raid and alleged finding a PKK-linked book. The university shut down the student club following the raid. In March police detained 12 other students for displaying pride flags during a demonstration. The students were subsequently released but continued to

face charges for violating the law on meetings and demonstrations. Also in March the Adana Security Directorate issued a ban on displays of pride flags and posters during the Women's Day march.

The Presidency Communications Directorate attributed the country's withdrawal from the Istanbul Convention to the convention being "hijacked by a group of people attempting to normalize homosexuality which is incompatible with Turkey's social and family values." LGBTQI+ groups reported concern that following the country's withdrawal from the convention, the government would weaken protections for LGBTQI+ victims of gender-based violence or follow the withdrawal with anti-LGBTQI+ legislation.

In June police intervened to disperse the Istanbul Pride March, using force, tear gas, and rubber projectiles. Police detained 47 demonstrators and observers, including an Agence France-Presse photojournalist. All were later released. The Istanbul Governor's Office refused to issue a permit for the march, citing threats to public morality and the "inappropriate" nature of the event, among other reasons. Police also intervened and detained demonstrators during smaller pride events in Istanbul, Ankara, and Eskisehir.

An opposition parliamentarian reported that the student loan and housing board under the Ministry of Youth and Sport subsequently retaliated against several university students for participating in Eskisehir pride events, cancelling their scholarships and expelling them from government dorms.

In October an Ankara court acquitted 18 Middle East Technical University students and alumni and one faculty member for organizing a pride march on campus in 2019. The court ruled to fine one of the students for insulting a police officer, but the sentence was deferred and could be challenged on appeal.

The criminal code does not include specific protections based on sexual orientation or gender identity. The law allows for up to three years in prison for hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law's failure to include protections based on gender identity. LGBTQI+ definitions were not included in the law, but authorities

reported a general “gender” concept in the constitution provides for protections for LGBTQI+ individuals.

Provisions of the law concerning “offenses against public morality,” “protection of the family,” and “unnatural sexual behavior” sometimes served as a basis for abuse by police and discrimination by employers.

In September, Larin Kayatas, a transgender doctor, reported that the Ministry of Health expelled her from service on the basis of her LGBTQI+ identity after finding that her social media posts were not “in line with public morality.” Kayatas alleged that a colleague had filed a complaint regarding her social media messages with the Presidency’s Communications Center, which precipitated a disciplinary investigation.

Human rights organizations reported that some LGBTQI+ individuals were unable to access health services or faced discrimination. Some LGBTQI+ individuals reported they believed it necessary to hide their identities, faced mistreatment by health-service providers (in many cases preferring not to request any service), and noted that prejudice against HIV-positive individuals negatively affected perceptions of the LGBTQI+ community. In June the NGO KAOS GL reported that a doctor in Istanbul refused treatment to a transgender woman and shouted transphobic insults at her after forcefully pushing her from the examination room. Multiple sources reported discrimination in housing, as landlords refused to rent to LGBTQI+ individuals or charged them significantly higher prices.

LGBTQI+ organizations reported the government used regular and detailed audits against them to create administrative burdens and threatened the possibility of large fines. Authorities audited LGBTQI+ organizations more frequently than NGOs focused on other issues.

Dating and social networking sites catering to the LGBTQI+ community faced content blocks. In August, Apple removed the social networking application Hornet from its Turkey store, based on a 2020 court order stemming from a complaint filed by the Ankara provincial Jandarma command. Details on the case or the court’s reasoning were not publicly available. Access to Hornet’s website also remained blocked. Authorities have blocked the dating site and application

Grindr since 2013.

Other Societal Violence or Discrimination

Alevis and Christians, including Armenian Apostolic Christians, remained the subject of hate speech and discrimination. Vandals continued to target disused minority religious sites, including an Armenian Apostolic Christian church in Kayseri and two Greek Orthodox churches in the Black Sea region. In March several newspapers reported that police were investigating the burning of the gate of a disused Istanbul synagogue as a possible case of arson.

Atheists also remained the subject of intimidation in media, albeit at a lower level relative to other religious minorities.

International protection status holders and temporary protection beneficiaries also faced increased societal discrimination and violence during the year (see section 2.d.).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes, but it places significant restrictions on these rights. The law prohibits antiunion discrimination and discourages employers for terminating workers involved in union activities. In particular, the law requires employers to either reinstate a worker fired for participating in union activity or pay enhanced compensation of at least one year of the affected worker's salary if a court finds the worker was unfairly terminated for participating in union activities. If the employer opts not to reinstate the worker to their formal role, the law requires the employer to pay union compensation and an additional fine of a minimum of four months' wages and a maximum of eight months' wages. Some public-sector employees, such as senior officials, magistrates, members of the armed forces, and police, may not form or join unions.

In July the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations filed a complaint with the ILO alleging

that the option for employers to pay an additional fine rather than reinstate workers allowed employers to dismiss workers for union activity at little cost. The complaint cited several examples of companies, including Cargill, Olam Group and Dohler Group, that opted to pay fines rather than reinstate workers after courts ruled their termination was unlawful.

The law provides some workers the right to strike. Public-sector workers who are responsible for safeguarding life and property as well as workers in the essential areas (coal mining and petroleum industries, hospitals and funeral industries, urban transportation, energy and sanitation services, national defense, banking, and education) do not have the right to strike. Instead, while the law allows some essential workers to bargain collectively, it requires workers to resolve disputes through binding arbitration rather than strikes.

A 2014 Constitutional Court ruling that bankers and municipal transport workers have the right to strike remains in force. The law further allows the government to deny the right to strike in any situation that represents a threat to public health or national security.

The government also maintains restrictions on the right of association and collective bargaining. The law requires labor unions to notify government officials prior to meetings or rallies, which must occur in officially designated areas, and allows government representatives to attend their conventions and record the proceedings.

The law requires a minimum of seven workers to establish a union without prior approval. To become a bargaining agent, a union must represent 40 percent of the worksite employees and 1 percent of all workers in that industry. The law prohibits union leaders from becoming officers of or otherwise performing duties for political parties. The law also prohibits union leaders from working for or being involved in the operation of any profit-making enterprise. As of July, 65 percent of public-sector employees and 14 percent of private-sector employees were unionized. Migrant workers and domestic servants without legitimate work permits were prohibited from joining unions and nonunionized workers were not covered by collective bargaining laws.

The government did not enforce laws related to collective bargaining and freedom of association effectively, and penalties for violations were not consistently commensurate with those provided under other laws involving denials of civil rights. Labor courts functioned effectively and relatively efficiently, although as with other courts, the appeals process could often last for years.

The 19 unions and confederations shut down under the 2016-18 state of emergency, some due to alleged affiliations with the Gulen movement, remained closed.

The government and employers interfered with freedom of association and the right to collective bargaining. Government restrictions and interference limited the ability of some unions to conduct public and other activities. Police frequently attended union meetings and conventions. In addition, some unions reported that local authorities prohibited public activities, such as marches and press conferences.

Employers used threats, violence, and layoffs in unionized workplaces. Unions stated that antiunion discrimination occurred regularly across sectors. Service-sector union organizers reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity. Many employers hired workers on revolving contracts of less than a year's duration, making them ineligible for equal benefits or bargaining rights. In September employees at a smartphone manufacturer in Istanbul went on strike to protest the dismissal of 170 workers, mainly women, who were seeking to unionize following allegations of abusive labor practices.

The government instituted a ban on lay-offs during the COVID-19 crisis that in some cases resulted in the employees being compelled to take leave without pay or earn less than minimum wage. The ban expired at the end of June, resulting in a spike in the unemployment rate. Some companies instituted COVID-19 precautions, including prohibiting workers from leaving and returning to a worksite for extended periods of time.

b. Prohibition of Forced or Compulsory Labor

The law generally prohibits all forms of forced or compulsory labor, but the

government enforced such laws unevenly. Penalties for violations were not commensurate with those for other serious crimes. Forced labor generally did not occur, although some local and refugee families required their children to work on the streets and in the agricultural or industrial sectors to supplement family income (see section 7.c.).

Women, refugees, and migrants were vulnerable to forced labor. Although government efforts to prevent forced labor continued with mixed effect, authorities made improvements in identifying victims nationwide. The government did not release data on the number of arrests and convictions related to forced labor.

The government implemented a work permit system for adult temporary protection beneficiaries (Syrians); however, applying for a work permit was the responsibility of the employer, and the procedure was sufficiently burdensome and expensive that relatively few employers pursued legally hiring refugees. As a consequence, the vast majority of both international protection status holders and temporary protection beneficiaries remained without legal employment options, leaving them vulnerable to exploitation, including illegally low wages, withholding of wages, and exposure to unsafe work conditions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. The law allows children to perform light work that does not interfere with their school attendance from the age of 14 and establishes 16 as the minimum age for regular employment. The law prohibits children younger than 16 from performing arduous or dangerous work. The government prohibited children younger than 18 from working in certain professions or under hazardous conditions.

The government did not effectively enforce child labor laws but made efforts to address the problem. Penalties for violations were sufficiently stringent compared with those for other serious crimes. Resources and inspections were insufficient to effectively monitor and enforce prohibitions against the use of child labor. In the absence of a complaint, inspectors did not generally visit private agricultural

enterprises that employed 50 or fewer workers, resulting in enterprises vulnerable to child labor exploitation.

Illicit child labor persisted, including in its worst forms, fostered in part by large numbers of Syrian refugees and the pandemic driving more family members to seek employment. Child labor primarily took place in seasonal agriculture (e.g., hazelnuts), street work (e.g., begging), and small or medium industry (e.g., textiles, footwear, and garments), although the overall scale of the problem remained unclear according to a wide range of experts, academics, and UN agencies engaged on the issue. Parents and others sent Romani children to work on the streets selling tissues or food, shining shoes, or begging. Such practices were also a significant problem among Syrian and Afghan refugee children. The government implemented a work permit system for adult temporary protection beneficiaries (Syrians), but many lacked access to legal employment; some refugee children consequently worked to help support their families, in some cases under exploitative conditions. According to data from the Ministry of Labor and Social Security, a total of 285 workplaces were fined for violating rules prohibiting child labor in 2015-20.

Also see the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law does not explicitly address discrimination due to sexual orientation, gender identity, color, national origin or citizenship, social origin, communicable disease status, or HIV-positive status. The labor code does not apply to discrimination in the recruitment phase. Discrimination in employment or occupation occurred with regard to sex, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability. Sources also reported frequent discrimination based on political affiliation and views. Penalties were not commensurate with those for other civil rights violations.

Women faced discrimination in employment and were generally underrepresented in managerial-level positions in business, government, and civil society, although

the number of women in the workforce increased compared with previous years. According to the Turkish Statistical Institute (TUIK), the labor participation rate for men was 78 percent, and 35 percent for women. A joint 2020 study by TUIK and the ILO estimated the gender pay gap in the country at 15.6 percent. Women were prohibited from working in select industries that require intensive physical labor. There was no prohibition against gender-based discrimination in access to credit, which remains a barrier to women's entrepreneurship.

Women in the country were disproportionately affected economically by the COVID-19 pandemic. Research by Confederation of Progressive Trade Unions of Turkey Research Center and the ILO's Turkey office concluded that the COVID-19 pandemic disproportionately affected women's labor force participation.

For companies with more than 50 workers, the law requires that at least 3 percent of the workforce consist of persons with disabilities, while in the public sector, the requirement is 4 percent. Despite these government efforts, NGOs reported examples of discrimination in employment of persons with disabilities.

LGBTQI+ individuals in particular faced discrimination in employment. Employment laws allow the dismissal of public-sector employees found "to act in a shameful and embarrassing way unfit for the position of a civil servant," while some statutes criminalize the vague practice of "unchastity." KAOS-GL and other human rights organizations noted that some employers used these provisions to discriminate against LGBTQI+ individuals in the labor market, although overall numbers remained unclear. Given the situation, some labor unions created commissions to strengthen efforts to combat discrimination.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage was greater than the estimated national poverty level.

The law establishes a 45-hour workweek with a weekly rest day. Overtime is limited to three hours per day and 270 hours a year. The law mandates paid holiday and leave and premium pay for overtime but allows for employers and employees to agree to a flexible time schedule.

The Ministry of Labor and Social Security's Labor Inspectorate is responsible for enforcing wage and hour laws. The government effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors but not in other sectors. Workers in nonunionized sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime. Labor inspectors conducted scheduled and unannounced inspections and had the authority to initiate sanctions. In 2020, the latest year for which data was available, inspectors conducted 9,170 inspections, the majority of which were unannounced. The number of labor inspectors, however, was insufficient to enforce full compliance. Penalties for wage and hour violations were not commensurate with those for similar crimes.

Occupational Safety and Health: Government-set occupational safety and health (OSH) standards were not always up to date or appropriate for specific industries. OSH violations were particularly common in the construction and mining industries, where accidents were frequent, and regulations inconsistently enforced. The Assembly for Worker Health and Safety reported at least 1,494 workplace deaths during the first eight months of the year. These figures included COVID-19-related deaths. In many sectors, including mining, workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment, and authorities did not effectively protect vulnerable employees. The same labor inspectors that cover wage and hour are also responsible for enforcing occupational safety and health laws. The number of labor inspectors remained insufficient to enforce compliance with labor laws across the country. The government did not effectively enforce occupational safety and health in all sectors, and penalties for violations were not commensurate with those of similar crimes.

Informal Sector: Wage and hour laws did not cover workers in the informal economy, which accounted for an estimated 25 percent of GDP and more than one-quarter of the workforce. OSH laws and regulations covered both contract and unregistered workers but did not sufficiently protect them. Migrants and refugees working in the informal sector remained particularly vulnerable to substandard work conditions in a variety of sectors, including seasonal agriculture, industry, and construction. A majority of international protection status holders and

temporary protection beneficiaries were working informally, as employers found the application process for work permits too burdensome (see section 2.f., Protection of Refugees).